











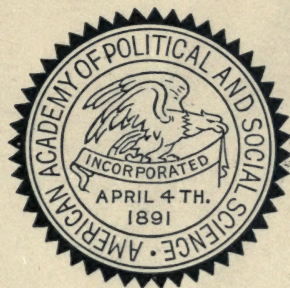


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ASSOCIATE EDITOR.



## BRITISH COLUMBIA AND BRITISH INTERNATIONAL RELATIONS

BY E. R. GOSNELL,  
Victoria, B. C.

The political status of a province in the Canadian confederation is clearly defined in the British North America act and relates solely to matters of property and private rights. It is not strictly permissible to speak of British Columbia and British international affairs, for the reason that provinces, as provinces, have no international relations. The people of British Columbia are affected by external affairs only as Canadians and through their local forms of administration have no rights of interference. In such matters the federal authorities are very jealous of even advice from local authorities. It is tendered sometimes by resolution of the legislature and is only effective to the extent in which it may be regarded as indicative of local sentiment. If it should happen that the local administration is in political accord with the federal administration—that is, in respect to conservatives and liberals, as parties are constituted—the former will naturally exercise a much stronger influence with the latter in matters affecting a particular province than if the opposite was the case. This is especially true if the local leader of an administration happens to be, as in the case in British Columbia at the present time, a man of outstanding and commanding position. Sir Richard McBride, the prime minister of the Pacific province, is in political accord with the Right Hon. R. L. Borden, prime minister of Canada, and, for instance, has taken a very positive stand on the question of naval defense, now agitating the whole of the Dominion of Canada, in so far as it relates to the defense of the Pacific coast. It is not too much to assume that the attitude of the former has had a good deal to do with the attitude of the latter in respect to that phase of his naval policy, an outline of which he has just presented to the House of Commons.

While, however, it is true that British Columbia *qua* British Columbia can have no international status or interests, there is a sense in which any province is interested in and affected by inter-

national issues of the empire. Each province, by reason of physical or economic conditions, has, or may have, interests affected by considerations of an international character, peculiarly its own. These, in a country so wide in extent and diversified in resources, can be easily imagined. A treaty affecting fishery rights would naturally affect the maritime provinces in a special way and would have only an academic or purely national interest for the people of Ontario, or the provinces of the Middle West. Or by reason of some special feature, or purpose, of the treaty, it might have a special interest for the people of one coast and not for those of another. A tariff may rest more heavily upon the people of one province than upon those of another. A naval programme has a keener interest for those who live on the Atlantic or the Pacific seaboard than for those who occupy the interior parts of the country. It is in this sense that the caption of the article here being indited has been chosen.

British Columbia is peculiarly affected by, and interested in, several international issues of great moment. Although, as stated, it is a province of Canada, it has interests which are *sui generis* in a degree greater perhaps than is true of any other province of Canada. It is, in this sense, so far apart from the rest of Canada, that in Great Britain particularly the expression is often used, "Canada and British Columbia." It is true that the Middle West, on account of its extent and the homogeneity of its physical conditions, is essentially unlike other parts of the Dominion and is so to speak a law unto itself in the matter of political and economic requirements; but the very uniformity of conditions greatly lessens if it does not indeed simplify the problems which confront the people of the prairies. British Columbia, on the other hand, by the diversity of its resources, the ruggedness of its surface and the isolation created by its mountains, by the long extent of its serrated coast line, its position on the western seaboard of the Dominion, and its geographical relation to the Orient, multiplies its problems and widens the scope of its interests. Its coast is separated from the rest of Canada not only by one range but by ranges of mountains and the province is segregated by the Middle West from the political and as yet the potential center of Canada's activities. It has characteristics similar in most respects to those of Washington, Oregon and California and is strikingly differentiated in nearly all its aspects from eastern Canada just as the states mentioned are from eastern America, presenting differences of climate,



atmosphere, flora, fauna, economic requirements, resources, etc., with which all students of conditions in their respective countries are familiar. If the divinity which shapes our ends had been guided by considerations which nature alone would suggest we should have had, not two, but three or four nations in the North American continent. Following the lines of similar environment and least resistance, the boundaries of these nations would have been coincident with those of three or four distinct natural zones—the Pacific, or Cordilleran, the Middle West, or prairies, and the country east of them to the Atlantic, the latter, of course, being capable of a further subdivision. It was upon conditions suggested by physiography that Goldwin Smith founded his theory of a single American nation, because his philosophy could not reconcile itself with a successful conflict against geography in the attempt made by Canada to remain a political entity, more especially as the people inhabiting both Canada and the United States were mainly of one language and of one blood. We need not stop to discuss the factors which have intervened so far, to upset the successful operations of his theory. As psychic forces are greater than material forces in the evolution of destiny, so there are elements in nationality more subtle and elusive of control than those contained in purely physiographical or even ethnographical conditions.

The principal differences between the Pacific divisions of Canada and of the United States at present are those created by exploitation and land development. The Pacific states, owing to the discovery of gold in California in 1849 and to railway construction, were earlier in the race and have made greater advances in the same time. The social substratum of the population and the character of the political institutions have also had something to do with the general divergences observable. We have Biblical authority and the authority of experience for the statement that as man thinketh so is he, and this is true in the collective as well as in the individual sense. Similarity of conditions, however, in the long run will produce a somewhat general similarity of results, and the problems of British Columbia, political and otherwise, are not unlike those of the country immediately to the south. If the Panama Canal is of special interest to the seaports of British Columbia so it is to those of Washington, Oregon, and California; if the yellow peril menaces British Columbia so also it does the Pacific coast states; if reciprocity would benefit or

injure the former it should, according to circumstances, have some corresponding effect in the latter; if British Columbia requires naval protection on the Pacific, the exigencies of the situation created by war from whatever source are equally great along the coast south of the boundary line. Broadly speaking, these are the problems of an international character which are uppermost in the minds of the people of British Columbia and which politically have had the greatest amount of attention of recent years. I, therefore, propose to discuss them in the following order suggested by their priority as public issues:

1. The tariff on a basis of reciprocity.
2. The dangers of Oriental invasion.
3. The alternative route to eastern Canada, Great Britain and the continent of Europe afforded by the construction of the Panama Canal.
4. The requirements of naval defense on the British Pacific.

In what follows, I do not profess to offer solutions solely in accord with local sentiment; because the exigencies of politics, in its restricted sense, do not always suggest the wisest remedies to be adopted and very often obscure the atmosphere for the better understanding of the merits of the disputes involved. I shall, however, endeavor to present as fairly as I can the nature of local sentiment in each case.

First, as to the tariff: That question is, I was going to say, as old as the hills— the mountains for which British Columbia is famous. In the very early days, Victoria, the capital of the colony of Vancouver Island, was a free port and the Hudson's Bay Company, then in control, was fully imbued with the free trade sentiments of Great Britain. Curiously enough, Sir James Douglas, governor, in his "speech from the throne" in the first legislature in 1856, made reference to the impending reciprocity treaty between Canada and the United States and expressed the hope that Vancouver Island (then an independent crown colony) would be included in its provisions. Of course, Vancouver Island then had only about two hundred settlers, mostly servants of the Hudson's Bay Company, or its auxiliary, the Puget Sound Agricultural Company; and Victoria itself was only a stockaded fort. There was a nice academic touch to this sentiment which does credit to the modernity of a governor of a fur-trading colony, born as it was in the shadow of a great wilderness,



and still in its puling infancy. The colony of British Columbia on the mainland, which was established in 1858, had a tariff, and after the union of the two colonies in 1866 the tariff wall was still maintained. One of the big issues at the time of Confederation with Canada in 1871 was the tariff, especially in respect to agricultural products. The British Columbia schedule was higher than that of Canada. The colony then was and, as a province, has continued to be protective in sentiment. Hence in the reciprocity campaign of 1911, British Columbia was solidly against the proposed pact, not only from sentimental but from economic reasons. Sentimentally, the people of British Columbia are British almost to a man. From an economic point of view, they are very un-British. That is to say, they have not imbibed British traditional love of free trade. The situation economically can be explained very briefly. Our most important industry, prospectively, at least, is fruit growing. It is commercially still in the stage of infancy, as compared with the fruit-growing industry south of the line, which is thoroughly established, splendidly organized, and highly productive. It can be easily seen that the Pacific coast states, with their relative superiority as to present position, under reciprocity, could absolutely control the market in fruits, green and preserved, from Vancouver to Winnipeg and greatly hamper the development of the industry in British Columbia, an industry now mainly dependent upon the Middle West for its market and requiring at least another ten years to catch up with its southern competitors. Even at present a very large percentage of the requirements of the fruit market of Vancouver and Victoria is supplied from the American side. What is true of fruit is also true of agricultural produce generally and it is absolutely certain that under the proposed arrangement the commission houses of Seattle, Portland and San Francisco would be supreme on this coast and, in respect to much of the business done there, in the Middle West as well. If the farmers of the prairies had been given access to the doubtful benefits of the markets of one hundred million people, they would have lost the market in British Columbia in which they have had a monopoly in certain products and which has been more profitable to them than any other market as yet available.

Our mineral products were not affected by the proposed arrangement, except very slightly in the matter of coal, notwithstanding that it professed to be a pact based upon an interchange of natural



products. The export of lead ores to the United States free of duty would have been of substantial advantage to the mining community; and it was to compensate the miners of the southern interior for the loss of the United States market that the Dominion government some years ago placed a bounty upon the production of lead in order to encourage the industry and to keep the silver-lead mines open. With reference to coal, the Pacific state ports, and especially San Francisco, have been the principal market for Vancouver Island coal from the very outset, and of recent years the smelters of Idaho, Montana and Washington have been getting their supply of coke from British Columbia ovens. The removal of duty on coal would have been an advantage to producers and consumers in both countries, and why the duties on the minerals referred to were not proposed to be taken off in accordance with the general features of the scheme remains inscrutable. Free coal for California would, as a matter of course, have carried with it free oil for British Columbia for fuel purposes.

Naturally, the supposition would be that British Columbia would have been greatly benefited by obtaining a free market in the United States for fish and fishery products and timber and timber products. But here conditions not theories govern the situation. In regard to fisheries products, except in the matter of salmon canning, Americans control the supply out of our waters as it is. The New England Fish Company, doing business in British Columbia ports, has a practical monopoly of the halibut fisheries, industrially and commercially. The halibut industry has for some time assumed very important proportions and the removal of the duties would simply have facilitated the operations of that company without any special advantage to the fishermen of this province. The New England fish combine controls the fish market of eastern America, and outside companies have but little chance of doing business in competition. American boats fish along the entire coast of British Columbia, as often within as without the three-mile limit, and by making Seattle headquarters have a very big advantage over local fishermen. In timber and timber products, on the face of it, the case would seem still stronger in favor of reciprocity, inasmuch as certain classes of lumber are already admitted to Canada duty free; but in my humble opinion, at least, the timber products of British Columbia have but little prospect of enlarging their mar-



ket in the United States in competition with the mills of the Puget Sound, which, under the proposed arrangement, would have had British Columbia logs to draw upon for a supply of raw material. This is demonstrable in a practical way under existing conditions. The mills of British Columbia, for instance, apparently have equal opportunities in the export markets of the world; but it is a fact that for one ship loading lumber in British Columbia waters for foreign parts at least half a dozen load in Puget Sound ports. If this be the case in regard to markets abroad in which there are equal opportunities and advantages, how much truer it would be in the home market of the United States. Washington lumbermen undersell British Columbia millmen in Winnipeg and other points in the Canadian Middle West. They have taken large railway contracts even in British Columbia away from their British Columbia rivals. This is the result, as I have already intimated, of a condition not a theory. The sawmilling industry in the Puget Sound country is more highly organized and specialized, and under modern methods the more highly organized and specialized an industry becomes the better chance it has, even in the face of tariff obstructions. With the depletion of timber in Washington and Oregon, British Columbia logs are more and more in demand, a fact which as far back as 1903-4 induced the British Columbia government to place an embargo upon their export. This is a general condition in Canada now, except in respect to timber on federal limits, and were it not for that saving clause (the only clause of the reciprocity treaty left intact in the United States act of confirmation) the mills of the latter country would very soon exhaust our raw material and ship back the finished product to Canada in competition with her own mills. It would not have paid Canada in the long run, and on the other hand would have been disastrous to her best interests.

Moreover, it should be pointed out that a great deal of fallacy has existed and still exists about the effect of free interchange of products of nations in lowering prices to the consumer and in dealing a blow at the trusts. I am not a protectionist in theory and only believe in protective tariffs in so far as they enable Canada or the United States to develop industries under the most favorable conditions in the face of the competition from more highly organized and older established industries of other countries. I believe in Canada for Canadians in so far as Canada can be benefited by such a policy.

All policies and theories are subject to modifications according to the actual facts to be faced. A scientific tariff is one that, as nearly as possible, adjusts itself to the economic requirements of the country, being either high or low or not at all as conditions dictate, our own general prosperity and the weal of the greatest number being the object to be kept steadily in view; but we can easily see that such a policy may be made and is being made the subject of serious abuse both in Canada and the United States. Now, the fallacy referred to is that trusts in America may be regulated or controlled by tearing down the tariff barriers between the two countries. Trusts in Canada and elsewhere have been created as the result of modern facilities of transportation and intercommunication—railways, steamships and telegraph lines and general reduction in postal rates. By these means the area of the producers' operations has been extended throughout the forty-eight states of the Union among which there is free trade. The same is true of Canada, with its nine provinces. By the aggregation and combination of capital and the superior organization of industry and commerce and finance in connection therewith a single firm or combination of firms comes to control the entire area in the line of its particular production or sale. If you sweep away the tariff obstructions to trade between Canada and the United States you simply extend the area of trust operations, and instead of forty-eight states you have forty-eight states and nine provinces. The greater force in commerce and industry, as in war, must prevail, and the danger to Canada in reciprocity was that the trusts would have swallowed up the continent as a whole. Canada must inevitably become Americanized in trade and commerce. Under reciprocity, for instance, within five or ten years the commercial end of the fruit, fishery and timber industries in British Columbia would be in the hands of Americans. Political control follows commercial control as certainly as night follows day, and President Taft spoke truly when he said that through reciprocity Canada would become "an adjunct" of the United States. Canada, and especially British Columbia, realized that fact at the outset and rejected reciprocity. It was not an expression of ill-will; it was a demonstration of the desire of Canadians to work out their own destiny in their own way, as the people of the United States have done, without entangling commercial alliances that might divorce their future from the line of British affiliations upon which



they long ago set their hearts, and towards which all their aspirations tend. So far, therefore, as the general result was concerned, national sentiment and national economics went hand in hand and cannot be disassociated. To preserve their allegiance to the Empire and to achieve their ambition to become full partner in its affairs, Canadians must maintain their commercial independence. Canada does not object to doing business with the United States; but it wants to do business under conditions which will best further its own interests and those larger interests which lie in the direction of imperial federation.

Alien immigration and especially the immigration of Orientals has always been a question of vital interest in British Columbia. Her problems in that respect are unique in Canada. The opposition to Chinese had its genesis with the labor organizations many years ago. It later extended to the Japanese and the Hindus. Doubtless the feeling in the ranks of labor on this subject was considerably influenced by what occurred in the Pacific coast states and by the agitation there which led to the total exclusion of the Chinese. As population increased in the towns of British Columbia and in the mining and lumbering camps the labor unions increased in number and influence, until politicians felt bound to give effect to their demands, if not fully at least substantially—not that politicians in their heart of hearts were in sympathy with the movement or cared much about the “heathen Chinese.” To them activity in opposition to the Oriental was the easiest road to popular favor. In one way and another antagonism to all forms of Asiatic immigration has become crystallized into a settled policy of resistance. No public man in the province dare raise his voice in its favor, unless perchance he happen to represent a truly rural constituency, and even then his sentiments would be quoted against the party with which he was allied and would as surely be repudiated by his political associates. For forty years anti-Chinese or anti-Asiatic resolutions, or legislation in some form has appeared in the provincial parliament as regularly as parliament sat. In other words, the question has proved to be a robust plant of unfailing bloom. At an early stage the legislature assumed the right to impose a head tax upon Chinese, but the measure was promptly vetoed by the Dominion authorities as being *ultra vires*. In 1886, the federal parliament adopted this method of restriction by imposing a tax

of fifty dollars per head, with little practical effect. This was subsequently raised to one hundred dollars per head, also without materially checking immigration. Then, as the result of strenuous agitation in British Columbia, the head tax was raised to five hundred dollars, with the effect for a time of practical exclusion. These restricted measures had curious results. From long before Confederation, housewives, farmers, millmen and others depended upon Chinese labor to a considerable extent. It was obtainable according to age at from five dollars to twenty-five dollars per month. Later on railways and salmon canneries employed Chinese extensively, and they competed with white labor as tailors and in factories. In fact, they were in competition with white labor in all kinds of work.

The effect of restriction was to raise the price of wages among the Chinese each time it was increased, until after the five hundred dollars was imposed, the Chinamen, secure in the labor market against more Chinamen, advanced their own wages by some method of combination until the scale now runs from twenty-five dollars to fifty dollars and sixty dollars per month. This lucrative wage attracted the cupidity of the Japanese, upon whom there was and could be no legal embargo, and they increased very rapidly in numbers in a very short space of time. Then, five or six years ago, Hindus, similarly attracted, also came in large numbers. They were principally Sikhs, discharged soldiers, and, as British subjects, could not very well be objected to. A temporary depression in 1907, owing to the slump in the money markets and the failure of crops in the Middle West, brought about a slackness in the labor market, and feeling against these importations culminated in riots. The Chinese, except that they were generally in demand, as a problem, were comparatively easily dealt with; but with the Japanese and Hindus the case was quite different. The proud Japanese nation resented discrimination against its subjects. In the case of Japanese, therefore, delicate diplomacy had to be resorted to and on the grounds of the well-being of both races, the Japanese government voluntarily agreed to limit the numbers to come to Canada each year to a comparatively harmless minimum. In the case of the Hindus, it was hard to find justification for exclusion that would satisfy Hindu, shall I say, prejudices. At the time they began to come in numbers, the state of unrest in India was giving the British



government great anxiety. For a few representatives of the British Empire to exercise sovereignty over 150,000,000 of racially alien peoples, and then the rights of citizenship to be denied to these peoples on British territory elsewhere, was what the Englishman would call "a little thick," and the two facts taken together required some effort to make them fit in with Hindu logic, not to refer to the feat involved of skating on very thin moral ice. Ethically it could not stand the test of metaphysical treatment; but all matters of ethics to be reasonably applicable must conform in practice to the requirements of common sense, and the problem really resolves itself, in the final analysis, into, not a question of ethical fiddling, but the primal law of necessity—self-preservation.

An Oriental standard of living, of sociology, inbred by the pressure on each other, of generations of millions of population, cannot be grafted upon an Occidental stock nurtured in the free, open, elbow-room atmosphere of the West without serious injury to the latter. Admit the principle of unrestricted immigration from the teeming fields of Asia, upon the grounds of morality and pure ethics, and you commit the greater crime of swamping the white man in his own territory. If it be held that this is a case in which the law of the survival of the fittest should hold, it must also be held that it involves a principle which provokes the primal instinct of resistance of the white man as an animal to live as he has lived and is wont to live. To races of diametrically opposed standards and culture the law must be to remain each within his own biological sphere, or the ultimate result must be disaster to one or both races. If Great Britain disregards the theory on Indian soil, it is because she proceeds on the principle of ruling the country for the country's good, a country which otherwise would be delivered over to the woes of internecine tribal strife, and incidentally for the commercial profits of occupation, the possibilities of which were revealed to the early semi-sovereign trading corporations of gentlemen adventurers—as she rules Egypt and large areas of the African continent, and as she once ruled Canada, Australasia and Cape Colony. With these motives, however, we have nothing to do. British Columbia has asserted the right to be essentially a white man's country and the right extends equally against all Asiatic races which stand geographically a menace to her on the thither shores of the Pacific.

To speak frankly, the Japanese are a greater danger and the least desirable of the three racial elements to which the province is opposed and that because of their enterprise and aggressiveness, their determination to get a foothold on equal terms with the Anglo-Saxon, a desire, which by the way, the Japanese government resists on the part of the citizens of other nations in Japan. In their public policy the Japanese nation is the perfect embodiment of the principle of Japan for the Japanese and as much of the rest of the world as possible. Their moral standards, however justifiable from the Japanese standpoint, are not ours and in matters of daily contract are not reliable. Their word is not dependable and their motives always ulterior. They have the gloss of politeness and extreme courtesy, a Frenchified exterior of conduct; but remove ever so little of cuticle and you reveal the Tartar. It has often been remarked that their absorption of western civilization is only skin deep. The Chinese, on the other hand, are as a rule industrious, honest, faithful to their employers, cleanly in person, and without desire to assimilate or to establish themselves in the land. While in unlimited competition, on account of the very qualities I have enumerated, they are the natural enemies of the white laboring interests, they are admirably useful as servants, as economic machines, and I, personally, always have held that their free admission for the restricted purposes of domestic service and farm labor would be highly beneficial and advantageous to the country. It is legally and constitutionally practicable and feasible to permit and regulate this without infringing upon the rights, prerogatives or advantages of white labor, which, if class prejudice did not intervene, would be distinctly benefited. It imparts to the white laborer immediately the status of aristocracy in his field. No one in his senses would advocate the reduction of the standard now enjoyed by organized labor, because the wealth of the unit is the true standard by which to measure the wealth of the nation; but one of our greatest economic problems in the province of British Columbia, and a similar condition obtains in Washington and Oregon, is the development of the land, the essential element of which is cheap labor and effective mechanical devices. Land clearing, the handling of fruit, dairying specifically, and small farming generally, for which agriculturally the province is particularly adapted and upon which lines it must evolve successfully, demand plentiful



labor at low prices at all seasons of the year, which white labor, so far as my experience and observation go, is neither anxious nor desirous of affording. Nor do I think it particularly desirable that the white laborer should become a hewer of wood and a drawer of water for his white fellows. It is contrary to the genius of the Anglo-Saxon race.

With Chinese labor to assist our wives, who demand every consideration in a country of high prices, and to work in our fields and do the drudgery of development, skilled white labor, male and female, has a wide scope for usefulness and profit, greatly enlarged in consequence of what willing and satisfied Chinese can make possible. Of what use, however, in discussing the proposal! The iron, relentless hand of the politician will smash every such suggestion upon its very first appearance. The Hindu, newly imported, with his skinful of prejudice and traditional occultism and caste, is impossible. Physically and mentally he has qualities which in the second generation would perhaps beneficially assimilate with the white race; but the process is fraught with danger. Undoubtedly, the yellow or brown or dusky peril of the Orient is imminent and economically is real and menacing. British Columbia and Canada are right in resisting at the outset the danger which may some day have to be faced on sea and land in military and economic warfare. One necessary precaution, apart from the economic situation of industrial and commercial competition from the Orient, is to prevent a foothold being obtained now or at any time in the future on this coast. The danger is in numbers not in individuals and a half a million whites in a territory so large as British Columbia would be as one against a host. A million or two in the Middle West would have just as little chance against a horde of Asiatics. The safe principle is the recognition of racial rights within racial or biological spheres, each race being equal and dominant in its own territory. The proper solution of the immigration problem in respect to Japan is based upon reciprocal entry of citizens back and forth. In this way, national pride is not wounded and equal rights are maintained without loss of national dignity.

The effect of the Panama Canal on the general trend of the world's trade and commerce no one has been able to definitely predict. The outcome is quite problematical. That it will be revolutionary in character no one can doubt. It is an alternative route

to the Suez Canal and means cutting the earth in half to reach the Pacific Ocean by a more direct route. Its completion may fairly be regarded as epochal and it means a general readjustment of conditions and a re-partition of trade as between East and West. In British Columbia, in common with other portions of the Pacific coast, expectations have been very high and the contemplated early opening of the Panama Canal has greatly influenced the policy of the local and federal governments with respect to increasing harbor accommodation and providing ample transportation facilities. The Panama Canal from a provincial point of view, I cannot help thinking will not be an unmixed good, a possibility which people in their enthusiasm are apt to overlook in their calculations. Its effects, as already indicated, must in any event be problematical, but there are several things which must appear as obviously inevitable. First, a very considerable amount of Oriental traffic, instead of going to and fro by way of Vancouver or Seattle or Portland or San Francisco, as in the past, will pass direct from points of shipment to points of destination, without breaking bulk and at a cheaper rate than would be possible by rail and water. This will be true of all traffic regarding which speed is not an element of advantage, either as to the carriage under contract in which time is the essence, or the saving of interest on the value of expensive consignments. This new condition will obviously apply to shipments to and from Australasia. It is possible, of course, that railways will reduce their rates on through shipments to meet the competition, but even then it only seems possible in a limited way. Another result will be that the manufactures of eastern Canada, the United States and of Europe will be brought into closer competition with local manufactures all along the Pacific coast. This may have the result of discouraging local industrial development in certain lines—for instance, in the manufacture of iron and steel, although on the other hand it may make the conditions more favorable by equalizing the factors as between East and West. It is always very difficult to say what new factors may enter into a new field, and the Pacific from this time forth must be regarded for practical purposes a new sphere of commercial action.

Taking the anticipated advantages, about which there seems to be but little doubt, the Panama Canal should greatly stimulate the development of industries based on all natural resources, such as timber, fish, fruit, and certain minerals. In timber, particularly,



the export trade should be greatly increased to all parts of the eastern hemisphere, and if the United States in its own interests should decide to permanently remove the duty on rough lumber and pulp, the market in the eastern half of America for British Columbia timber should be of immense proportions. The demand for paper and pulp in the United States is daily increasing and the supply of pulp wood is daily becoming a matter of greater concern. The pulp industry on the British Columbia coast is just beginning to take shape, but with the Panama Canal and a free market in the United States there should be practically no limit to the demand for its products. By modern methods, it is entirely possible to ship fish and fruit in a fresh state in cold storage to Great Britain and the continent through the canal at all seasons of the year. Shipments of halibut and salmon could be laid down in Boston and New York via the Isthmus at a cheaper rate than across the continent by rail in iced boxes. A good deal of mineral matter and possibly certain classes of ores might go the same route to refineries and smelters in Great Britain and elsewhere.

From a Canadian and also from a British Columbia point of view, the most important effect of the canal will be the transport of grain from the Middle West of Canada to the markets of Great Britain and the continent. All our railway experts before the railway commission have declared that grain cannot be carried at present through Pacific ports around the Horn to the old country in competition with the established routes eastward, and we may assume that they know their own business best. The completion of the canal, however, will reduce the distance from Vancouver to Liverpool approximately from 15,000 miles to 8,836 miles, and ought to reduce the present ocean rates by at least a third; or, in other words, it makes Vancouver and Victoria from 23 to 25 days nearer to Liverpool by steamer. It is estimated—I am now taking the figures prepared by the Vancouver Board of Trade—that from points of the Middle West in Saskatchewan and Alberta west of Moosejaw on the Canadian Pacific Railway the rate via Panama will not exceed 22 cents per bushel of grain to Liverpool, while the present cost of transportation from similar points via Fort William and the Atlantic is from 25 to 26 cents in summer and as high as 36 cents in the winter. It is obvious that from the almost coincident completion of the canal the Grand Trunk Pacific and the Canadian Northern Pacific Railway

to the coast, there is room almost immediately thereafter for an enormous traffic in grain, especially in wheat, taking advantage of an alternative route to Europe, not unlikely to attain to a volume of 150,000,000 bushels of grain per annum within the next decade. During the past three years Vancouver exported approximately 750,000 bushels of wheat and 500,000 bushels of oats mainly to Mexico and the Philippine Islands. A very small experimental business only has been done with China and Japan, notwithstanding that Puget Sound ports, Portland and San Francisco export large quantities of wheat there. This is due to the fact that the Oriental market demands soft wheat, or pastry, flour and is unused to the hard wheat flour of the prairies. Whether that condition will change in time one cannot say, but in any event our big market is in Great Britain and the continent, to which places Tacoma and Portland have shipped largely, and in 1911 as high as 12,000,000 bushels. The production of grain in the Middle West is increasing enormously per annum and reached 400,000,000 bushels in 1911. So great indeed is the volume of grain grown that it cannot all be shipped in one season through Canadian channels. During 1911 over 25,000,000 bushels of Canadian wheat found an outlet through Buffalo and New York to the ocean. The following distances by rail give an idea of saving on grain freights possible over the western route:

Calgary to St. John.....	2,637	miles
Calgary to Fort William.....	1,260	"
Calgary to Vancouver.....	644	"
Edmonton to Fort William.....	1,451	"
Edmonton to Vancouver.....	735	"
Moosejaw to St. John.....	2,396	"
Moosejaw to Vancouver.....	1,085	"

It will be seen, therefore, what intense interest the people of British Columbia have in the opening of the Panama Canal apart altogether from the effect of the recent action of Congress in exempting American coasting vessels from tolls in passing through. In regard to the latter, it is almost needless to remark that British Columbia sentiment reflects strongly general British sentiment on the question. One result of such differentiation would be to deflect a good deal of purely Canadian traffic that would otherwise belong to British vessels. A very important question arises here as to what is a coasting vessel in such circumstances. There is nothing



in law to distinguish a coasting vessel in tonnage and equipment from an ocean-going vessel, and its status must be determined by the law governing coastwise trade, and that is more or less identical in the United States and Canada. I take it according to regulations in force on this coast that an American vessel could carry a consignment of freight and passengers from Vancouver to New York, for instance, and on her return carry a consignment from the latter place to the former. Or an American vessel could take passengers and freight from St. John or Halifax to San Francisco, Portland or Seattle, passing through the canal without paying tolls. To say the least, it is rather an abuse of the term coastwise or coasting vessel by which to describe a steamer trading between two such points, as a glance at the map will reveal. One might as well describe a vessel trading between Calcutta and Liverpool as a coasting vessel, because, forsooth, she is sailing between two British ports without making intermediate calls at foreign ports. The voyage from Seattle to St. John is a tolerably long one and crosses long stretches of ocean to make the trip, and except for the diplomatic fiction that the canal zone is American territory is made through waters that are not in any sense territorial. Apart from that, however, it must be clear that the new law of Congress exempting coastwise American vessels is a technical evasion of the terms of the Hay-Pauncefote treaty, which did not contemplate any discrimination as among the ships of all nations using the canal, and it may be taken for granted that it would not have been signed by the British minister if the American intention had been declared in advance. It cannot affect the grain trade, but with the opening of the canal a considerable reciprocal trade of the nature suggested to be done by "coasting vessels" will be developed, and if the United States, to speak frankly, do not agree to refer the question to international arbitration it must be regarded as doubtful practice and would deepen an impression, already to some extent existent, which a great nation cannot afford to allow to become current among other nations.

Among the greatest of the international problems in which British Columbia is interested is that of naval defense. It is not strictly international, but has international bearings of a most momentous character. It is a question which is now in the political limelight throughout Canada. Sir Richard McBride, Premier of British Columbia, has emphasized our peculiar position on the Pacific

seaboard, exposed as it is to attack from the United States, Russia, China and Japan, in particular, without a single effective fighting ship, either Canadian or British, within striking reach. His frequent references to the subject have drawn the attention of the federal and imperial authorities to the necessity of a fleet unit on the Pacific to guard British possessions and British shipping in time of war and to avoid the possibility of advantage being taken of the weakness of that position. What a Pacific fleet unit is I need not discuss. It means, in plain language, a naval defense armament being created or transferred to British Columbia waters. Both political parties, locally at least, profess to believe in that policy as desirable and necessary; but political opinion is divided as to whether that fleet should be Canadian, part of a distinctively Canadian navy, or a division of the British navy assigned to the Pacific coast in our waters for purposes of defense. Whether there should be a Canadian navy operating in a prescribed area, designated Canadian, as advocated by Sir Wilfred Laurier, and the preliminary steps towards which were taken by him, or an empire navy contributed to by all the dominions and under one central control, as is supposed to be the policy of the Conservative government at Ottawa, I am safe in saying that the great mass of the people of British Columbia would support the latter scheme, as being the most effective and the cheapest to all concerned. The naval policy just submitted by the Right Hon. R. L. Borden at Ottawa, with the full concurrence and support of the imperial authorities, is not intended to be a final or even partial settlement of the question. It cannot even be described as a policy at all, so far as the ultimate intentions of the government in respect to a permanent naval programme, are concerned. If the idea is, as we must assume it to be, to secure the cooperation of all the dominions to a policy of cooperative defense, all the other dominions must first be consulted and out of the various views on the subject will be evolved a scheme that, if unanimity can be secured, will finally, in the course of two or three years, be submitted to the electors for approval. In the meantime, the people of British Columbia are enthusiastically in favor of the emergency contribution of \$35,000,000 in support of the British navy as it now exists, which will include temporary provision, at least, for a fleet unit on the Pacific. If my personal views were of any value I should have no hesitation in saying that such a solution has appeared to me for years



to be the only true solution of the empire's destiny—a solution based on the cooperation with the mother country of all the daughter dominions and parts of the empire, not only in respect to defense, but in mutual trade relations and in a comprehensive, general form of political organization following the lines of existing British representative national institutions.





## RECIPROCITY

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BY CLIFFORD SIFTON,  
Ottawa, Canada.

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I have been asked to give my views in regard to the trade arrangement which was made last year between the governments of the United States and Canada and which is popularly known as the Reciprocity Treaty.

I shall not attempt to recapitulate the arguments which have been used upon both sides of the line for and against the suggested arrangement. It would be impossible within any reasonable space to do justice to the arguments in detail and if it were possible it would be wholly futile so far as arriving at an intelligent view of the case is concerned. I shall therefore simply present the case as it appears to my mind in general terms.

A treaty of reciprocity relating to natural products only, as everyone knows, existed between Canada and the United States from 1855 to 1865. That treaty was admittedly of great value to Canada, and its abrogation by the United States against the wishes of Canada brought extreme hardship, loss of markets, loss of employment and much consequent loss of wealth and population.

Thenceforward from time to time efforts continued to be made by Canada to bring about better relations, but every application for reciprocal trade arrangements was promptly rejected by the United States.

Finally, in 1897, a last effort was made by Sir Wilfred Laurier's government. A joint high commission had been appointed to consider and, if possible, to settle matters in dispute between the United States and Canada. The trade question was brought up in these discussions, but the American representatives refused to make even the slightest concessions in the way of opening the United States markets to Canadian natural products.

Shortly after the failure of these negotiations Sir Wilfrid Laurier made an unequivocal pronouncement that Canada would no longer look to the American market. The country accepted that pronouncement as made in good faith and settled down to the

idea that we must develop our trade independently, and by our fiscal legislation, our foreign trade arrangements and our transportation system make ourselves as far as possible independent, of the fiscal measures of the United States.

This policy was followed with great vigor and success during the subsequent years and in consequence thereof the condition of general prosperity which existed in Canada in the year 1910 was such as twenty years before would have been regarded as quite unattainable.

Our position of late years had been singularly satisfactory. Nothing that could be called a serious financial crisis had been known in our country for many years. Poverty in the sense in which it is understood in other countries was and is practically unknown in Canada. The prices of manufactures had risen somewhat, but the prices of farm products had risen much more, so that, in the general prosperity, the farmer, whose interests are predominant with us, had been getting his full share. The revenue was growing rapidly, trade was increasing, mineral and agricultural production was expanding and a great volume of immigration of the highest class was pouring into the country and increasing its productive capacity. Our fiscal system had in the course of thirty-five years been well adapted to the peculiar circumstances of the country. That system was based upon the idea of moderate protection, but not such a protection as to be oppressive, nor such as to encourage or foster the formation of large trusts or combinations with power to oppress the people. Some such abuses no doubt had arisen, but both under the Conservative revision of the tariff in 1894 and the Liberal revision in 1897 objectionable features were removed, and the few possibilities of abuse that still remained under our tariff might easily be rectified if the people would take the trouble to ask for relief.

Under this fiscal system we have, broadly speaking, moderate taxation, a measurable amount of competition varying in different industries and an abundant, buoyant and elastic revenue.

In the campaign which took place last year I made a statement that so far as our information went there was not a country in the world, the population of which, man for man, was upon the average so well situated as that of Canada. I have no doubt that the statement was thoroughly justifiable when it was made and it is quite as true now as it was then.



Upon this stage and under these conditions the reciprocity agreement was suddenly and unexpectedly introduced. It is not too much to say that the whole proposition came as a complete surprise to both political parties in the country. No one was looking for or anticipating any such results from the negotiations. There had been a few public deliverances by men more or less prominent, nearly all of which, I think, were hostile to the idea of reciprocity, and a few business men had in a semi-jocular way expressed the hope that our negotiators would get back safely from Washington. I think, however, that I am quite within the mark when I say that there was no serious anticipation of anything important in the way of a treaty or agreement being arrived at. When, therefore, this far-reaching and revolutionary arrangement was announced it came as a complete surprise.

It was somewhat unfortunate in its introduction. In Canada all such matters are made the subject of a parliamentary statement by a member or members of the government of the day. In this case the business was in the hands of Mr. Fielding, Minister of Finance, and Mr. Patterson, Minister of Customs. No one doubts the ability of either of these experienced parliamentary debaters to bring to bear the necessary industry and capacity and to make the very most out of any case committed to their charge, but, strange as it may appear, neither Mr. Fielding nor Mr. Patterson nor the other members of the government ever seemed to realize that they were engaged in the fight of their lives, and that it was necessary for them to get to work and really argue the case. From the very first all of these gentlemen seemed to have been placed at a serious disadvantage by reason of the fact that they apparently thought a mere statement of the terms of the treaty to be sufficient to carry it without any backing of facts or arguments. This idea was due to what appeared to be a lack of realization of the changed conditions of commerce and industry as a result of what had taken place during the previous eighteen or twenty years. There was a time, for instance, when the cry of "free fish" would have swept the Maritime Provinces and when the cry of an enlarged market for hay, potatoes, barley, cattle and dairy products would have swept Ontario and Quebec, but conditions had changed in twenty years and the case had to be argued from new premises altogether. My observation led me to the conclusion that there was a very consider-

able lack of appreciation of this fact on the part of the government. As a result of this, while no doubt there was a fillip of favorable public sentiment on the first statement of the terms of the agreement, yet so soon as issue was joined in serious argument the impression went abroad that the government side was getting the worst of it. So far as the discussion in the press was concerned, the government side was not well served. The Liberal press, speaking generally, excels rather in attack than in defense. In this case, with one or two exceptions, there was a noticeable lack of thoroughness and vigor in the defense put forward in the Liberal organs. Naturally these papers took their cue from the government, and went in the early stages of the game too much upon the assumption that the mere statement of the terms would win approval. When in the middle of the campaign they found that this idea was fallacious, it was too late to retrieve the position, even if they had the weight of merit upon their side. .

A considerable number of Liberals prominent in business openly and unequivocally attacked the reciprocity agreement. In the House of Commons, however, only three Liberal members broke away. The government was able to hold its following in the house and senate almost unbroken.

In the campaign which followed and terminated on the twenty-first of September, 1911, there was practically no serious discussion of any other subject than reciprocity. The government went into the campaign with a majority of about fifty. It came out in a minority of about fifty. There was no reason in the world to suppose that the opposition had any prospect of immediately defeating the government until this question came up. In fact, the opposition had in 1908 exhausted every possible effort and used every available weapon without success. At the beginning of the session of 1911 the opposition was to all appearances hopelessly out of the running and the government very strongly entrenched in office. The reciprocity issue arose. The government forced it forward in a general election. The opposition accepted the issue and won the election upon it and upon it alone. There has been much talk about other influences affecting the election. It has been said that the Ne Temere Decree affected the Protestant vote and that Protestants generally were disaffected toward Laurier. I think I know how far this idea prevailed. In my judgment, while no doubt



a few hundreds of voters were affected by these arguments, as in every election there will be little eddies of sentiment which have nothing to do with the main issue, I am perfectly satisfied that these side issues were of comparatively little importance and that the victory of the Conservative party in the election was practically due to the reciprocity issue and to it alone. The reason that the Conservative party swept the Province of Ontario, where in fact the victory was won, was because the people of that Province were thoroughly and whole-heartedly opposed to the trade agreement.

What were the reasons?

The short recital given above affords the key to the most important arguments used in favor of the winning side.

Canada had time and again been refused any consideration by the United States and had finally, at great sacrifice and with tremendous efforts, made herself commercially independent. Her products went to widely scattered markets, but there was little or no chance that she would ever be put to serious inconvenience by the closing of these markets. A careful survey of her position showed a degree of commercial independence which under the circumstances was rather surprising and very gratifying to the national pride of Canadians. It was felt that if we consummated the proposed treaty with the United States our trade would follow the line of least resistance. As stated by a New York paper, the reciprocity agreement would check the east and west development of Canada and make that country a business portion of the United States with the lines of traffic running to the north and south rather than to the east and west. The immediate and inevitable result of this would be that Canada would become absolutely dependent upon the fiscal policy of the United States and at the mercy of American tariff changes. It might be said that the United States would be equally interested in our fiscal policy, but the conclusive answer to that argument was that what might be vital to Canada with its eight million people and its small productions, would be of comparatively trifling importance to the United States with its ninety million people and its enormous volume of production. It would be, in fact, a case of partnership with one partner so undeniably predominant that the weaker partner would be in the position of the Roman philosopher who feared to press his argument

with Augustus too far because it was not wise to press too hardly in argument upon "the master of thirty legions."

In a word, the judgment of the business men of Canada was that the reciprocity agreement, if carried into effect, would mean a commercial alliance which would of necessity have to be carried further, and that as a necessary result of such an alliance the United States, being the greater, wealthier, stronger and more populous country, would dominate Canada's commercial policy and development.

It was, and is, believed that reciprocity in natural products would lead to reciprocity in manufactures. It was, and is, believed that the predominance of the United States in commercial legislation would lead to loss of control on our part of our undeveloped natural resources and especially of our water powers. It was, and is, believed that these results would not only affect us in the matters particularly mentioned, but would subordinate Canada to the United States in such a way as to interfere with her national independence.

Following this idea, it will be readily seen that Canadians who take seriously the idea of Canada's position in the British Empire had every cause to be alarmed. To place the most important unit of the British Empire, outside of the British Isles, under the domination of a foreign though friendly power would be a long step toward disintegration. Your publicists who said that this trade agreement would bind Canada to the United States and strike a blow at the consolidation of the British Empire were absolutely right and we who fought against it realized that fact and had a full appreciation of its importance.

Taking the Dominion by sections, the result was that Nova Scotia, Prince Edward Island and New Brunswick were on the whole slightly but still decidedly unfriendly to the agreement. In Quebec, strange as it may appear, I can find no evidence that reciprocity seriously affected the rural voters or influenced them in the exercise of their franchise. On the other hand, the manufacturers, financiers, railway men and commercial men of Montreal and vicinity were practically a unit against reciprocity and their influence undoubtedly accounted directly or indirectly for fifteen or eighteen of the Quebec constituencies which were carried by the opposition.

The Province of Ontario was almost solidly opposed to the agreement. My own belief is that even the election returns which



gave seventy-three seats to the Conservatives and thirteen to the Liberals did not represent the real sentiment against the agreement. I knew fairly well the sentiment of Ontario as it was just previous to the election and I now believe that quite one-half of those who voted in favor of the Liberal government were at heart opposed to its policy. In fact, there was no heart in the contest on the part of the Liberal party in the Province of Ontario and there was apparently no mourning in its camp so far as the rank and file of the voters were concerned when it was defeated.

Winnipeg and the urban centers of the prairie provinces were generally opposed to reciprocity. The farmers were strongly in favor of it.

British Columbia was lost to the Liberals in any event on account of party disorganization and incompetent leadership, but it is fairly safe to say that the Province as a whole is against reciprocity.

Summarizing the case, we have the fact that a government, strongly entrenched and well organized, led by a man who is perhaps the most striking and brilliant personality in the British Empire, with a record of statesmanlike achievement behind it, went into a fight on the question of reciprocity and was hopelessly routed. No single portion of the Dominion, except the farmers of the three prairie provinces, showed the slightest enthusiasm for the policy of the government, while in the other parts of the country thousands of ardent Liberals went over to the opposition.

The opposition remains unchanged and unchangeable to-day. It is a deliberate, calculated and determined opposition. I am perfectly satisfied that if the House of Commons were dissolved to-morrow and Sir Wilfrid Laurier proclaimed in unmistakable terms his intention of going to Washington to negotiate a new treaty or to consummate the old one, he would be disastrously defeated. In fact, his defeat would be more decisive than it was last fall.

But it is difficult to see how such a case can again arise. The proffer of reciprocity on what seemed very liberal terms by the government of the United States was undoubtedly a high political play on the part of that government. The play was made to meet a most unusual and embarrassing condition of affairs within the ranks of the Republican party. The measure was supported by the Democrats in congress, because to support it was at once the simple, straightforward and politic thing to do. But circumstances have

changed and it may safely be said now that the conditions which brought the offer of reciprocity from the United States are not likely to recur.

Under all the circumstances, therefore, I conclude that reciprocity is not any longer in the least degree a practical political question. The question is not likely to return to the people of Canada in the form in which it was presented last year, but if it does so return it will undoubtedly be answered in precisely the same manner in which it was answered then.

Something should be said with regard to the ideas which in the main actuated the great body of those who were led to take an unusually active and determined part in the election. It should be stated in the most emphatic terms that there was no idea of hostility or unfriendliness to the United States at the root of their action. I think that most people thought that the treaty was a very liberal one from the standpoint of the United States. I never heard very much in the way of suggestion that the United States should have offered more or that our negotiators should have demanded more. The underlying motive was of a different character altogether. The people believed that the development of the two countries under the reciprocity policy was bound to interfere with the commercial independence of Canada and that idea was fatal to the success of the policy proposed.

Our people thoroughly recognize the greatness of the United States and its phenomenal success along many lines of human endeavor. It is, however, the opinion of our most thoughtful people that your constitution is now approaching its supreme test. We look with some apprehension upon your labor difficulties. We think also that your attempt to regulate the great monopolies which have arisen will tax the energies of the nation to the utmost. We most sincerely wish you well in the efforts which you are so manfully making. Nowhere has the tree of Liberty borne more glorious fruit than in the United States, and it is the sincere hope of every true lover of freedom that you may go from triumph to triumph exhibiting to the world a shining and inspiring example.

Your present problems, however, are vastly more complicated and difficult of solution than our own. We shall have in one way or another all these problems to solve, but they will come in smaller volume and in a form much less difficult to handle. We anticipate no serious difficulty in curbing any trusts or combinations that



may arise in Canada and in placing production upon a legitimate and proper basis. We feel also quite able to deal with questions affecting our great transportation systems. In fact, most of the machinery is already provided and working well. We, however, wish to deal with these questions and to regulate them in our own way without pressure from abroad and without feeling that great financial interests outside of our jurisdiction are being exerted to influence our decision.

There remains a word or two to be said upon a phase of the question which still remains as a tax upon the statesmanship of Canada. I refer now to the apparently conflicting interests of the farmers of the prairie provinces and the financial and manufacturing people of the East. There is little doubt that the majority of our western farmers desire a modification of the fiscal system. They consider themselves unjustly treated by the tariff upon manufactured goods and their ideas of relief run largely toward greater freedom of commercial intercourse with the States which lie to the south of them. In point of fact a close analysis shows that most of the disadvantages under which they labor are incidental to the very rapid development of the country and are likely to disappear in a comparatively short time with the progressive improvement of facilities and commercial and industrial organization. It is quite certain, however, that the farmers of the West are and will continue to be favorable to low tariff and the fewest possible restrictions upon trade. Their political influence may be permanently counted on in that direction. Particularly it may be said that if the present government, which is avowedly a protection government, should be tempted to raise the tariff upon manufactured goods so as to foster further combinations and enhancement of prices, thus resulting in an increased tax upon the western farmer, his voice will be heard with no uncertain sound and a tariff war of vigorous proportions will undoubtedly follow. There is, I am free to say, no indication as yet that Mr. Borden and his colleagues have any intention of following such a policy. But whatever may be the policy of the government, the predominant sentiment of the western prairie farmer will be for low tariff and the fewest possible restrictions. These sentiments will be modified by the knowledge that no one section of the country can have its own way entirely and that fiscal policy in a country of great extent and diversified interests must of necessity be a matter of compromise.

# CANADA AND THE PREFERENCE<sup>1</sup>

## CANADIAN TRADE WITH GREAT BRITAIN AND THE UNITED STATES

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Probably most Canadians still associate their trade with the United States and with Great Britain with possible political consequences. Under such circumstances tariff and party politics inevitably go hand in hand, and because the tariff has its political side it remains an object of popular interest, an interest which is doubtless shared by students of Canadian political development generally. Particularly at the present epoch new tariff relations might mean a great deal for future affiliations.

### *The History of Preference*

The preference which has since become more or less of an intra-imperial policy dates back many years to pre-confederation days, and the times of colonial policy. What may be called the present phase began April 23, 1897, on the initiative of the late Sir Richard Cartwright, as a flank attack on protection. Sir Richard, then Minister of Trade and Commerce, so explained it on the floor of the House of Commons. The initial preference rate was one-eighth and by virtue of their trade treaties with Great Britain, Germany, Belgium, France and Spain enjoyed its privileges. But following the denunciation of the Belgian and German treaties and their expiration in July, 1898, the preference was increased to one-fourth from August 1st, and confined to goods from the United Kingdom and those British Colonies giving Canada as favorable terms as they received from her. A further increase from one-fourth to one-third was made on July 1, 1900. From the remarks of Sir Richard and other evidence it is clear that the preference must be regarded as a measure of tariff reform at the hands of a political party traditionally pledged to a lower tariff. Incidentally it constituted a clever reply to the Tory cry of disloyalty—a cry that had long been thrown at

<sup>1</sup>This article appeared originally as a series of letters in the *London Times*, but has since been considerably revised and brought down to date.—EDITOR.





the Liberal party because of its platform of reciprocity with the United States. For a while it looked as if the idea of a preference had passed from the hands of the political parties to become, as far as such things can be, a fixed principle of the Canadian tariff. And so it seemed until the negotiation of the French treaty in 1907, followed a couple of years later by the removal of the German surtax, the Belgian treaty, and the announcement that the government would shortly enter once more into trade negotiations with the United States.

The important rôle played by those of French descent in Canadian life makes it readily understood, quite aside from the possible value to Canada of the French market, why a commercial treaty with France was negotiated. Apart, however, from comparatively few lines (more particularly embroideries, gloves, silks, soaps and cheese) the items given most favorable rates do not compete seriously with British goods. Belgium being a country convenient for transshipment from the continent, the treaty with her raises other considerations, especially as Canada's examination of European customs declarations is superficial and inadequate. Under the circumstances there is grave danger that the granting to her of the intermediate tariff on numerous items not produced largely or at all in Belgium may in practice extend the same low rates much more widely than intended.

### *The Popular Attitude*

It may be argued that it would have been highly impolitic on the part of Canada to refuse to discuss tariff matters with the United States when for the first time in her history she was invited to do so. To this there is no adequate answer, particularly as the two countries have many important international matters to settle from time to time. Though as regards the tariff Canadians cannot forget that the whole history of the Dominion has been fought out in the face of a singularly hostile legislation on the part of the United States, resulting in a tariff admittedly sharpened to force Canada into commercial union with her. It is too soon to forget it. And recently the remarkable publication by President Taft of an interchange of views with Mr. Roosevelt on the probable effect on Canada of closer trade relations with the United States serves to confirm susceptible Canadians in their fears.



Canada's rapid growth, it must be remembered, dates only from the nineties; and has been the outcome of the opening up of the country and of the policy of developing trade routes east and west instead of north and south. Brilliantly successful as this development has been, it is not yet completed. The recent rejection of the trade overtures from Washington will doubtless postpone any further serious trade negotiations for some years. But the fact that the cabinet possesses the extraordinary power by mere order-in-council to reduce the tariff from the general to the intermediate rate without reference to Parliament, and the further fact that the government has still no tariff board for expert reference, such as exists in the United States and in effect in other countries, unite to make Canadian business men sensitive to possible political exigencies. In addition is to be borne in mind the provisional character of present trade agreements.

#### *Canadian Protection*

As a distinct policy Canada's protective tariff dates from 1879; but the Canadian Pacific Railway did not string the provinces together from coast to coast for another seven years. In the meantime, and, for another eight years, it must be admitted the tariff did little more than allow Canada to maintain a separate existence from the United States. Only with the gradual opening up and development of the country and the improvement of the trade routes east and west was an assured future realized. In other words the British market relieved Canada from her over-weaning dependence on the United States; it was her salvation; and it is very largely still. Coming as it did at this stage the preferential tariff fitted in with the natural course of evolution, and it gained additional support from the outbursts of Imperial sentiment at the time of the South African war and subsequently.

#### *The Meaning of Preference*

As regards the preference, both British and Canadian business men have come to understand better its real meaning. The ordinary citizen not in close touch with trade conditions appeared to regard it as something little more than a toy. In any event it was in his mind not to be taken very seriously. For a time the sentimental aspects appeared to bulk prominently. But business men now view it both as a business and as a political policy. It is not a mandate

for mutual sacrifices. On that everyone will agree. Nor is it a medium to work out single-handed a revolution in trade relations. Rather is it an important object-lesson in political and constitutional relations; a partial offset to British geographical remoteness; and a measure of tariff modification.

### *Canadian Opinion on Tariff Revision*

Canada is undoubtedly moderately protectionist. But as regards present public opinion on tariff revision it is impossible to speak with certainty. It is probably in a waiting mood; and will probably remain so until the promised tariff board has been tried out. Certainly business conditions and prospects are very different from what they were in the eighties and early nineties when the commercial union movement disturbed the country; they are different from what they were in the year when the successive stings of the McKinley, Wilson and Dingley tariffs were fresh in the popular mind. As for the farmer, generally speaking, he is well-off, at least if he has not neglected his opportunities. In addition to the foreign demand for his farm produce, the home market has increased so rapidly that local prices are often as high as, if not higher than, in Great Britain. Already the home market consumes a high percentage of many lines of Canadian produce, and is rapidly growing. Of the wheat, barley and oat crop, 80 per cent, and of the total product of the farm, nearly 90 per cent is consumed locally. For the time being Canada is an egg-importing country; her butter exports are disappearing; the export of cheese has fallen markedly, and the export of bacon has been cut in two.

### *The Application of Preference*

It is to be pointed out that the preferential principle has still not been tested thoroughly. To lop off  $12\frac{1}{2}$  or 25 or  $33\frac{1}{3}$  per cent on the whole tariff list is not necessarily to adapt preference to the conditions of the British market. It may and it may not. At best it is a hit or miss method. To test its possibilities the amount and extent of preference should be decided from a British as well as from a Canadian point of view. It should be the result of a careful investigation of conditions and possibilities. In other words, and this is vital, it should be confined to classes of goods that are actually produced within the Empire and in which there is a likelihood of



larger trade. As yet this has not been done. If it is not so restricted but is nominally extended to lines not produced or manufactured within the empire it is an invitation to false customs declarations and to fiscal and industrial confusion. In the revision of the tariff in 1906 the principle of a uniform preferential cut was abandoned, it is true; but the observation still holds in that the revision was made from a purely Canadian standpoint.

### *Canadian Trade*

As a young and growing country Canada has large exports and still larger imports. Most of her exports go to Great Britain; most of her imports come from the United States. With a population of less than 8,000,000 she ranks next to Great Britain and Germany in the list of United States customers. For the year ending with March, 1911, the figures are (exclusive of coins and bullion):

	Million \$	Percentage
Exports to—		
Great Britain .....	132.2	56
United States .....	104.1	44
	236.3	100

	Million \$			Percentage
	Free	Dutiable	Total	
Imports from—				
Great Britain .....	25.4	84.5	109.9	28
United States .....	121.8	153.1	274.9	72
	147.2	237.6	384.8	100

### *Possibilities of Directing It*

The question at once arises how far the current of this trade can be deflected by preferential and related legislation. In forming our judgment we must not overlook certain permanent conditions of Canadian trade. No amount of rational legislation could make Canada buy from England agricultural produce, timber, raw cotton, tobacco, petroleum and a host of other things not classed as manufactures. Great Britain's sales to Canada are chiefly manufactured

goods. Sometimes public speakers, wishing to discover the "natural" trade relation of Canada and Great Britain draw lessons from the totals of duty-free imports; but such a practice is misleading in that a great part of so-called raw materials is dutiable, and the free list is a reflection of something very different from the "Divine Order."

That Canada and the United States are geographically interdependent to an important degree is obvious. The United States looks to Canada for nickel, copper, asbestos, spruce, pulp, timber, fish and in certain contingencies for agricultural produce. Canada looks to the United States for raw cotton, tobacco, hard coal, hardwoods, Indian corn and a long list of manufactured wares, especially those subject to quick, and taken singly, rather small orders. In a recent average year (1911), apart from settlers' effects and bullion, what may be called a raw material made up thirty-three per cent of the imports, as against seven per cent from Great Britain. In both cases there are remarkably few items. Five-sixths of that coming from the United States is represented by the following (in million dollars): Coal, 36.1; Indian corn, 7.3; lumber, 12.4; fruits, 6.5; undressed furs, hides and skins, 3.3; raw tobacco, 1.9; iron ore, 2.5; bar and pig iron, 2.4. Apart from the last item these purchases are more or less fixed; whereas of the British seven per cent none of the items can be so regarded.

Look now at the course of trade from another point of view. Imports from Great Britain covering the produce of the farm, forest, mine and fisheries, raw and slightly manufactured goods, were only \$6,500,000, as against over \$83,000,000 from the United States. Tariff legislation could not be expected to disturb this division to the advantage of Great Britain. In fact, direct ocean steamship service between foreign ports and Canada would cut off some of the British trade in southern products and reduce by that much the imports now returned as British. Omitting bullion, settlers' effects and tea, and allowing \$5,000,000 of British goods credited erroneously to the United States, by reason of re-invoicing, etc., this leaves \$90,000,000 of manufactured goods from Great Britain, as against \$160,000,000 from the United States. This \$160,000,000 is the possible target for preferential legislation, and I think will approximate the actual business situation. All things considered, these figures do not place British trade in a very unfavorable light, though improvement is undoubtedly possible. To what extent, now, is this trade



in manufactures and in other lines natural and fixed? One can only answer by describing conditions.

As regards the possibilities of tariff legislation there may be perhaps an inclination to draw conclusions from the striking results of the German surtax. But this is dangerous, for Germany's economic relations with Canada are very different from those of the United States, her Canadian sales being much more amenable to legislative influence.

### *The American Tariff*

The United States tariff being, as a rule, prohibitive of Canadian manufactured goods, Canada's sales to the United States are upwards of nine-tenths raw or nearly raw material. Apart from the products of the farm, forest and mine, practically in their rough state, drugs and medicines, whiskey, pig iron, fertilizers, coke, cement and tea, there are only a few scattered items of importance. The extended and subtle sub-divisions of the United States tariff, with a view to securing protective efficiency on particular items, are only appreciated by the foreign manufacturer attempting to develop a market in the United States. That tariff has been aptly described as a "tricky one." What can a Canadian manufacturing jeweler with 35 per cent protection do against a United States duty on jewelry of 60 per cent and on enamelled jewelry of 85 per cent? Sole leather is now 5 per cent, upper leather 10 per cent, but leather belting and footballs 40 per cent, leather cases and pouches 60 per cent, threshing machines 15 per cent, but steam engines, which must accompany them, 30 per cent (if the engine is a gasoline engine the duty is 45 per cent), and all repair parts 45 per cent.

With a view to determining the average rate of customs duty levied by the United States on Canadian imports most writers take the total dues collected in relation to the bulk of trade done. But this is a fallacious basis, in that the question here hangs really not on the amount of duty collected, but on the protective or prohibitive efficiency of the tariff. For example, the importation of ships to be registered in the United States is prohibited outright; the duty on carpets is roughly 75 per cent, which is prohibitive as far as Canada is concerned; pianos, 45 per cent; watch chains, 60 per cent; machinery, 45 per cent; tweeds and serges, 100 to 150 per cent, etc. I have made up a list of somewhat over forty staple commodities

produced or manufactured in both countries, which one might expect in the natural course of affairs could be mutually traded in. On these items the average United States duty is 44 per cent, as against 24 per cent charged by Canada, which is probably sufficiently typical of the relative tariffs of the two countries in actual practice. On the theory of infant industries one might have expected the percentages to be reversed.

In fact, the whole United States system seems conceived in protection. With a view to facilitating trade Canada has customs ports of entry in all towns of any importance throughout the country; the United States, on the contrary, besides specifying that consular certificates shall accompany all shipments of over \$100 value, requires that entries be passed at the frontier in a very small number of places—which means also the employment of customs brokers—a system causing delays and frequently considerable annoyance and extra expense to the importer.

#### *The Recent Negotiations*

That after establishing such a high tariff, and in return for not levying a still higher one, the United States should ask, for a still lower one on Canada's part, as she did a couple of years ago, immediately subsequent to Canada's treaty with France, can only be described as a resort to the policy of the big stick. That the Canadian Minister of Finance yielded must be explained by the view that the smaller people should humor the bigger one to some extent. The call for a lower tariff at present making itself heard in the United States may not bear much fruit for several years yet. It will then be time after Canadian development has reached a higher stage of industrial maturity for Canada to re-consider seriously and generally her trade relations with the United States. At present every Canadian knows that a generally lower tariff against the United States would mean the end of much of our British trade and the yoking of Canadian industry to the characteristic speculative ups and downs of the United States market—a feature of which the English buyer, too, has reason to know something. The Anti-Dumping Act passed by Canada in 1904 was itself a recognition of the desirability of checking this very result. According to this act, duties have to be paid under heavy penalties, on the basis of current prices in the exporting country; and in case of a lower quotation the government itself appro-



priates the difference up to 15 per cent of the value, providing the difference is at least  $7\frac{1}{2}$  per cent. In the opinion of the late manager of the tariff department of the Canadian Manufacturers' Association, this legislation has served to check dumping when trade in the United States is good, but has not been and could not be effective when business was bad. Secret rebates, too, are probably not an uncommon means of dodging the act. But on the whole it seems to have proved to be a wise bit of protective legislation, especially under a moderate tariff.

### *Protection and Export*

As regards the relation of tariffs to export trade it must not be forgotten that in the event of imported goods being made into finished wares and exported, both the United States and Canada allow a rebate of 99 per cent of all duties paid. This partly explains how it is sometimes possible to quote lower prices for export than for home consumption. It also explains why United States goods are sometimes shipped to Canada via England; for the Canadian duty is levied on the price current in the country of sale, not in the country of origin.

### *Accuracy of Trade Statistics*

Coming more directly to the question of trade in manufactures between Great Britain and Canada, it is to be noted in the first place that Canadian trade statistics need a great deal of amplification and editing. For example, large importations of free goods are made through United States brokers acting as British agents. It is the old-established practice of many English houses to give the agency for Canada along with that of the United States. Fortunately, the tendency is now slowly working towards the creation of separate agencies for Canada. On the other hand, large export sales are made by Canada through United States export houses, and such exports are placed to the credit of the United States. Sometimes there is a special reason, as, for example, when in the case of cut lumber a United States firm will take the output of special cuts of a great many Canadian and domestic mills, sorting these specialized cuts to the market. Thus, while American builders demand 8-inch, 10-inch and 12-inch boards, English architects call for 7-inch, 9-inch and

11-inch cuts, and only in this way could such orders be filled conveniently.

### *United States Advertising*

That prevailing tastes in Europe and America are different needs no argument. Outlook on life and ways of living are not the same. United States industries have, therefore, an initial advantage in catering to their own continent, especially when aided by the greatest mania for advertising of specialties and novelties characteristic of any country or any time. England sends into Canada more Bibles and prayer books than United States, but far fewer periodicals. On catalogues Canada levies a customs duty of 15 per cent, but many United States houses get catalogue-substitutes in free in the form of magazine advertisements; and the suggestion has been made to the Minister of Finance that the unusual and altogether unique situation of literature and advertisements being bound up together should be met by a specific duty per pound on foreign periodicals. The proposal appeals to some for the reason (which one may repeat without disrespect) that the United States magazines flood the public mind with a glorification of their own country, and, more or less often, with a disparagement of people and things not American.

### *Character of New World Demand*

Of the new-world citizen it can be said he is often contented with less substantial goods than the Englishman; thinks much of neat appearance and loves change. Witness the, at times, amusing extremes of the American shoe, the lightness of carpenters' tools (probably because the American carpenter works more on soft woods), bicycles, automobiles, brass goods, jewelry, etc. The styles in traveling bags have run the gamut of half a dozen colors and a still greater number of shapes and sizes, while the Englishman has stood by his essentially satisfactory tan or brown bag. The stress of competition, the desire to catch the consumer's eye and to extend sales drive the American manufacturer on. A faddy market may be expensive; as Americans say, it may "come high" and be economically wrong, but it means a monopoly for the local manufacturer. It is not necessarily a question of quality, but of something else. New devices,



new processes perhaps break up old connections, and the high cost of labor places the manufacturers of both Canada and the United States in the same boat as regards their interest in mechanical appliances. The frequent discarding of the old by United States industry may at times fall into prodigality; and in any event it increases overhead expenses as compared with Canada, and still more so with England.

### *Conditions of Market Supply*

Some of the circumstances under which goods reach the consumer through the great expanses of America have an important influence. For example, the most remote rural jeweler may handle a Waltham or an Elgin or a Swiss watch, and through the one make he selects can allow his patron to choose from 120 or more classes or grades. No British watch-house can offer more than a fraction of this range. It is not necessary to seek for explanations from the instructive history of the British watch-trade. Here the preference of the country jeweler is decided not necessarily by a question of quality but of ease in doing business. He can satisfy almost any demand by the one catalogue and a letter or a wire to the one address. It is a condition created by external circumstances and fostered by advertisements and by repeated and effective "drumming." The wide range in styles of shoes, half-sizes in underclothing, etc., help in the same direction as does the fact that United States quotations are always in dollars and cents. The more frequent use of mercantile and other agencies for reports on the financial reliability of houses, and greater elasticity of credit are also characteristic of United States business dealings. This is of particular importance, looking to the inception of business relations. Thus American industry adapts itself to, and grows with, the country, and eventually is hard to dislodge. Imperial penny postage, which Canada arranged for in 1898 through the splendid work of Sir William Murlock, has proved a distinct aid to communications with Great Britain, as has also the later lowering of the postage on British magazines. If low cable rates could be secured it would be a still more important aid in holding British trade connections. So infinitely important to business is a low cable tariff that the whole cable situation should be given special study by Great Britain.

*Importance of Warehouse Facilities*

But no degree of improved communications can alone counterbalance geographical remoteness. Quick deliveries, quick repairs from stock of adjustable parts mean well-equipped local supply houses at strategic points. Thus far British manufacturers have had their eyes on too many markets to specialize on the scattered and divided Canadian demand. But the situation takes on a different aspect when it is noted that if business methods mean anything, an effort for Canada's business is at the same time an effort for greater trade over all North America.

*The Needs of the Moment*

The large amounts of British capital sent yearly to Canada are frequently pointed to as a means of securing business for Great Britain. But the great bulk of these investments go into public securities and railway and industrial bonds, comparatively little into industrial stocks, which carry the technical management. The number of cases where Canadian factories are in charge of British managers and British foremen is remarkably small. From an investigation made by *The Monetary Times* of Toronto a couple of years ago, British investments in Canada during the previous five years totaled up to \$605,000,000, of which only \$22,500,000 were of a specifically industrial nature. On the other hand, the United States, the same journal estimated, had invested some \$279,000,000, only a comparatively small amount of which was in public securities. The figures given were as follows:

## BRITISH INVESTMENTS IN CANADA FOR FIVE YEARS (1905-1910)

Canadian bank shares purchased.....	\$1,125,000
Investments with loan and mortgage companies.....	5,719,774
British insurance companies' investments.....	9,731,742
Municipal bonds sold privately.....	10,000,000
Industrial investments.....	22,500,000
Land and timber investments.....	19,000,000
Mining investments.....	56,315,500
Canadian public flotations in London.....	481,061,836
	<hr/>
	\$605,453,852



## PRESENT UNITED STATES INVESTMENTS IN CANADA

175 Companies, average capital \$600,000.....	\$105,000,000
United States investments in British Columbia mills and timber.....	58,000,000
United States investments in British Columbia mines	50,000,000
Land deals, Alberta, etc.....	20,000,000
United States investments, lumber and mines in Alberta.....	5,000,000
Packing plants.....	5,000,000
Implement distributing houses.....	6,575,000
Land deals, British Columbia.....	4,500,000
Municipal bonds, sold privately.....	25,000,000
	<hr/>
	\$279,075,000

These figures only illustrate what is a matter of common knowledge in Canada—that in contrast with British capital the great bulk of United States capital enters the country as branch factories and other outright industrial investments. With superintendents and foremen from the United States it is not surprising that English travelers and goods have often a poor chance of a market. Whatever fault may be found with citizens of the American Republic they can never be accused of unbelief in the peculiar virtues of American ideas, methods, men and industrial products. It is worthy of remark that of the recent presidents of the Canadian Manufacturers' Association three were heads of branches of United States houses; but in these cases it need hardly be said they were none the less Canadian.

*Trade Agents*

Of the influence of the nationalities of the new settlers in the West and elsewhere it is too soon to speak. With actual trade conditions and prospects the United States keeps in remarkably close touch by newspaper correspondents and by means of consuls located in the chief towns throughout the country and making frequent reports to Washington. At present there are no less than seventy-six United States consuls and consular agents as against one British trade commissioner located at Montreal, with a few trade correspondents, who cannot be compared with the consuls. It would also seem as if Canada should take a leaf from the United States and definitely develop a trade consular system the beginnings of which are seen to-day in the Canadian trade agents. If Washing-

ton's example were followed in this respect Canada would collect the incidental expenses as fees from the foreign exporters. Such fees give a certain amount of additional direct protection, and serve also as a medium for checking customs' undervaluations.

### *Transportation Routes*

Behind these and other influences stands the problem of transportation. New York to Toronto or to Montreal, St. Paul to Winnipeg, Seattle to Vancouver are but over-night runs. The Liverpool merchant ships to Canada by four routes:

1. To Halifax (2,342 miles), or Montreal (2,800 miles), thence rail, or from Montreal river steamer to head of Great Lakes. To Vancouver by this route is 5,800 miles; time required for freight 8 to 12 days to Montreal, thence 14 to 30 days to Vancouver.
  2. Via Mexico to Vancouver by the Tehuantepec route (190 miles), across the peninsula (8,000 miles), 42 to 45 days.
  3. Via the Suez (15,522 miles), 70 to 80 days.
  4. By tramp steamer via the Horn (14,317 miles), 70 to 90 days.
- From Vancouver inland the distribution is by rail.

### *How Rates are Fixed*

Through rates from both Eastern Canada and Europe are governed by those via the Suez. This water competition, to which latterly the Mexican route has been added, has been disturbing to existing trade. If the Panama project is successful the results may be still more marked. One may be pardoned for suggesting a doubt as to the permanent commercial feasibility of a canal across a dangerous earthquake belt, the approach to which moreover, on the Atlantic side at least, is said to be closed to sailing vessels. Panama is also 1,000 miles further south than the Tehuantepec line. Already shipments from Eastern Canada to British Columbia are sent via Mexico simply because this route is at times able to underbid the all-rail route. But if this relief to Eastern Canada is to be permanent it must be conditional on the vessels securing return cargoes to English ports, thence fresh ones back to Canada. A policy of diverting Canadian exports from Great Britain to the United States would thus seriously militate against the success of this new and important commercial development. Certainly in improving Canadian shipping facilities British trade has been and is worth much to Canada.



*Shipments via Chicago*

It may be said that for freight traffic for Western Canada there is close competition between Canadian lines and lines via and from Chicago. As is to be expected in a new country the rate per ton per mile is somewhat higher on manufactures and merchandise in Canada than in the United States. The manager of the transportation department of the Canadian Manufacturers' Association estimates that probably fifteen per cent of Eastern Canada's shipments to the Canadian West go in bond via Chicago—a percentage that will doubtless lower when the Canadian Northern and the Grand Trunk Pacific railways are completed. Here it should be mentioned promptness of delivery or "efficiency of service," as it is called, is often as important as a favorable freight rate; for example, in the delivery of Ontario fresh fruit in Manitoba, etc. To competitive points in Western Canada the rate from Chicago is usually somewhat lower than from Eastern Canada, to non-competing points proportionately higher. For through carload shipments from Chicago to the Pacific the greater industrial specialization of the United States manufacture and the larger size of United States warehouses on the coast admit often of closer rates than those quoted from competing points in Canada. Just how these differentials affect trade is only known fully to those directly concerned. In the case of free goods they obviously count heavily; and mean more with goods of low specific value than with goods of higher value. Particularly in the former case a difference in freight charge may convert a profit into a loss.

*Rates to Eastern Canada*

From Great Britain and Continental ports to Ontario and Eastern Canada through rates are arrived at by adding the ocean rates as fixed by the North Atlantic Freight Conference to what are known as "import" rates, these rates being somewhat lower than the domestic rates from the seaboard. And as regards the "import" rail rates they are a matter of agreement between the lines operating from Canadian and Eastern United States Atlantic ports.

*Rates to Western Canada*

To points west of Port Arthur, that is west of the Great Lakes, to the Rockies, special through freight rates are published from

Europe. These rates are also fixed by the North Atlantic Freight Conference, and there has been a gradual increase in some of them in the last year or two. To some extent they are governed by competition via United States routes.<sup>2</sup> It may be said that any increase in through rates to the Canadian interior operates to that extent adversely to British and favorably to United States freight.

### *The Pacific Coast as a New Distributing Center*

With the completion of the Grand Trunk Pacific and the Canadian Northern Railway, now under construction, to the Pacific Ocean, the Pacific slope will become a more and more important distributing center for Canada. Even now European freight rates via the Suez to Vancouver are lower than those direct from Montreal. It means new and important problems for the broad Dominion. It means that already Canada is divided like all Gaul into three parts—east, west and center; the center being, so to speak, a neutral zone where freight charges bulk more largely and are the objects of keen comparison. The matter is not closed there. Protected by these higher freight costs local industries may be expected to spring up, and actually they are already springing up, at different points, particularly at the head of the Great Lakes where there is admirable water-power.

### *Canada's Great Problem*

Thus to keep the Dominion contentedly united is one of the great reasons why plans are being carefully studied for improving the canals to the head of the Great Lakes, for building a railway from Hudson's Bay to Winnipeg (to make effective the Hudson's Bay route to England), for local waterways in the great prairie country, and for supporting fresh railway connections between the Pacific and the interior. That there is no time for delay is evident from the fact that while in 1890 there were three United States railway lines crossing the boundary west of Lake Superior, to-day lines cross at over a dozen points. Many United States stub lines, moreover, run up to the border, and with little additional cost could be extended to tap any given locality. As railway men know, local lines of this class are subject to much lower costs of transportation than the main

<sup>2</sup> The Spokane rate case as settled by the Interstate Commerce Commission is not important in this connection.



lines of a great system. And if, in order to secure return cargoes, United States railway and other interests should find it necessary to secure control of a certain number of newspapers and inaugurate in this way or otherwise a campaign for tariff modifications, the situation might become more than interesting. So often the real moving force behind political campaigns is hidden. It is such conditions and possibilities that make the tariff problem of Canada so overwhelmingly important.

### *The Importance of Shipping Facilities*

Through her splendid shipping facilities, and aided by the preferential tariff, Great Britain has now the big end of the through western coast trade. Without the preference the Canadian Pacific Railway would be able to handle considerably more of this trade originating in Eastern Canada than it does at present. In other words, if the preference were less through Canadian freight rates could be higher. Tariff and freight rates are thus indissolubly connected. Another illustration of the practical identity of freights and customs tariffs is the working of the French treaty. The tariff reductions under this treaty apply only to shipments made from France or via Great Britain direct to a Canadian port. With but one line of steamers running between France and Canada this shipping becomes more or less of a monopoly; and when, following the treaty, freight rates were advanced it was claimed that the increases were made possible by the French preference which they to that extent reduced. Not having steamship connection with the Pacific coast the French are severely handicapped in that trade. Should at any time the British preference be confined to shipments direct to Canadian ports, as the Canadian Maritime Boards of Trade have urged, it is to be expected that the ocean steamship companies would endeavor to secure a share of the preference by advancing their rates unless such rates were fixed beforehand and rigorously controlled by international agreement.

### *Some Conclusions*

From this brief survey certain conclusions with regard to the preference can be drawn:

1. A simple tariff modification may not be effective unless it applies to cases and conditions admitting of success. As yet the

powers of the preferential tariff have not been tested out. The preference is not merely Canadian; it is Imperial. As it is, it has certainly diverted considerable trade in some lines to Great Britain, buttressed British trade in other lines and been a big influence in arousing British manufacturers to the conditions of the Canadian market. It may mean much more if it is realized that an effort for Canada's market is an effort for North America, as the characteristics of Canadian and United States' demands are very similar.

2. The problem of transportation (railway, steamship, post and cable) and the related ones of free harbors, and greater British warehouse facilities in Canada demand much more attention.

3. Freight rates are in practice an important and integral part of custom tariffs.

4. Present trade statistics are not sufficient to disclose conditions.

5. The preferential tariff has probably had much to do with the expansion in Canadian shipping.

6. A thorough investigation of these conditions is desirable; and this is the task of the Imperial Trade Commission now at work. The results of its investigations should be an invaluable guide for all parts of the empire in regard to the possibilities of free-trade, preference and protection.

7. Canada's trade with the United States is largely independent of the preference and as far as the customs tariffs go has been hampered and checked much more seriously by the United States tariff than it has been by the Canadian.



## THE LEGAL STATUS OF HUDSON'S BAY

BY THOMAS WILLING BALCH,  
Of the Philadelphia Bar.

Among the early explorers of North America who have left their names clearly fixed upon the map of the world was Henry Hudson. This has happened in a threefold way: for by his name are designated a majestic river, a wide strait and a great sea. An Englishman, he navigated not only under the flag of his own country, but likewise at times he served the States General of the Netherlands.

In 1607, in command of the Dutch ship, the *Half Moon*, Hudson entered the Hudson River. Three years later, with the English vessel, the *Discovery*, he passed through and explored Hudson's Strait. In June, 1610, he entered and discovered the great sea that ever since has been known as Hudson's Bay, which was to be alike his tomb and his chief monument.

Until comparatively recently, Hudson's Bay has been accepted by the international juriconsults of the world at large as forming, according to the tests of the rules of the law of nations, a part of the high seas. Within the last few years, however, a desire has begun to grow up in Canada to annex to the territorial waters of the Dominion *in toto* that great sea which bears Hudson's name. For example, in the last edition of the "Encyclopaedia Britannica" (1910), it is stated that Canada is anxious to declare Hudson's Bay a *mare clausum* on account of the whale fishery. Let us consider very briefly the legal status of the waters of the Hudsonian Sea.<sup>1</sup>

Hudson entered that sea at a time when the struggle between the principle of *mare liberum* and *mare clausum* was becoming an active factor in the political relations between the English and the Dutch. In earlier times, under the Tudors and other more ancient sovereigns, England had pursued a liberal policy as regards commerce upon and fishery in the sea. Indeed, the greatest of the Tudors,

<sup>1</sup> For a more extended and detailed consideration of this important international question than can be presented within the space of this short article, see an essay by the present writer, "La baie d'Hudson, est elle une mer libre ou une mer fermée?" in the *Revue de Droit International et de Legislation Comparee*, Brussels, 1911, vol. XIII, new series, pages 539-586.

Queen Elizabeth, in a famous answer to the Spanish ambassador at her court, Mendoza, supported the freedom of the seas. After Drake's return in September, 1580, from a voyage around the world, with a mass of plunder that he had captured from Spanish vessels and settlements on the coast of South America, the Ambassador of Philip II made a complaint directly to England's Queen herself. After pointing out in her reply that Drake was amenable to a personal action in the courts of England if he had injured any one, the Queen continued that the Spaniards had no right to justify them in excluding the English from trading with the West Indies. Then, as Camden tells us, Elizabeth went on to say:<sup>2</sup>

"Moreover all are at liberty to navigate that vast ocean, since the use of the sea and the air is common to all. No nation or private person can have a right to the ocean, for neither the course of nature nor public usage permits any occupation of it."

With the advent of the Stuarts to the English throne the liberal policy of England as regards the sea was reversed. She laid claim to more and more exclusive rights over the seas surrounding her and ultimately forced and fought three bloody naval wars with the Dutch for the control of the narrow seas and the right of exclusive fishery in them.

In reply to Grotius's essay, *mare liberum*, printed at Leyden in 1609, King Charles I of England caused Selden's *mare clausum* to be published at London in 1635. While most nations have supported sometimes one side, sometimes the other, of this contention, as accorded best at the given moment with their respective policies, the opinion of the world has inclined finally to the view advanced by Grotius. The famous Hollander in his larger and more mature work, *De jure Belli ac Pacis* (1625), however, recognized that a state has the right to exercise its authority over a strip of sea along its coast line. At the beginning of the eighteenth century, another Dutch jurisconsult, Bynkershoek, expounded more precisely the extent of this sovereignty of nations over the sea washing their shores. As a general maxim, he taught, *imperium terræ finiri ubi finitur armorum potestas*.<sup>3</sup>

Applying this principle to things as they were in his time, Bynker-

<sup>2</sup> Camden: *Annales*, s. a. 1580 (edition of 1605), 309.

<sup>3</sup> Bynkershoek: *Jcti et Praesidis, Quaestionum Juris Publici, libri duo*, Leyden, 1737, liber I, cap. VIII, folio 59.



shoek limited the extent of the exclusive sovereignty of states over the sea to the range of a cannon shot.

In deciding whether the waters of a bay or other sinuosity were territorial or part of the open seas, the test advanced by publicists and international jurisconsults came to be whether the entrance of any embayed body of water could be defended and controlled from the opposite shores.

In 1758, the Swiss, Emer de Vattel, wrote:<sup>4</sup>

"All we have said of the parts of the sea near the coast may be said more particularly, and with much greater reason, of the roads, bays and straits, as still more capable of being occupied and of greater importance to the safety of the country. But I speak of the bays and straits of small extent and not of those great parts of the sea to which these names are sometimes given, as Hudson's Bay and the Straits of Magellan, over which the empire cannot extend, and still less a right of property. A bay whose entrance may be defended may be possessed and rendered subject to the laws of the sovereign, and it is of importance that it should be so, since the country may be much more easily insulted in such a place than on the coast open to the winds and the impetuosity of the waves."

Thus Vattel insists that in order that a bay may be considered to be a *mare clausum*, its entrance from the sea must be so narrow that it can be dominated and controlled from the opposing shores. Hudson's Strait, which connects Hudson's Bay with Baffin's Bay and the Atlantic Ocean, is at all points forty-five miles wide, and in general it extends to a width far greater, generally of about one hundred miles.<sup>5</sup> According to the above formulated test of Vattel, Hudson's Bay is an open sea. And in addition, Vattel specifically names Hudson's Bay as an open sea.

With the passage of time before and after Vattel had given the above cited opinion that Hudson's Bay was an open sea, the extent of the territorial sea was gradually fixed at the distance of a cannon shot from the land, which was translated by degrees into one marine league or three miles.

The three-mile limit was consecrated by the United States and Great Britain in the first article of the treaty of 1818. It was sub-

<sup>4</sup> Emer de Vattel: *Le Droit des Gens ou Principes de la loi naturelle*, Amsterdam, 1775, vol. I, p. 142.

<sup>5</sup> *Encyclopaedia Britannica*, Cambridge, England, eleventh edition, 1910, vol. XIII, page 851.

sequently recognized in many treaties between various nations until it became very generally adopted. It is not, however, universally recognized. For instance, Norway claims that her jurisdiction extends four miles seaward from her furthest seaward islands, and Spain asserts that her sovereignty extends six miles from her coast.<sup>6</sup> In 1894 the British government protested against this claim of Spain.<sup>7</sup>

Applying this three-mile limit as the extent of the zone of territorial waters to bays and gulfs and other sinuosities, there gradually arose as a corollary, the rule of international law that, where the three-mile zones advancing from each shore at the entrance of the bay or other kind of sinuosity meet and form a line six miles across from land to land, that line of six miles should be taken as the base from which to measure the three-mile zone seaward, and that the sovereignty of the state, master of the surrounding land, did not extend further outward towards the sea, but that all the expanse of the bay inside of that six-mile line, no matter how wide and large the bay further within might become, should belong to the encircling nation, because the entrance was effectually occupied where the shores were not more than six miles apart. But the center of bays and other sinuosities whose entrance from the high seas was wider than six miles, form, with some historic exceptions, part of the open sea. Many publicists, such as Ortolan<sup>8</sup> and Hautefeuille,<sup>9</sup> for example, can be cited in support of the above rule.

This six-mile rule, however, has been modified in the case of many bays by treaty agreements between individual states. Thus by formal treaty between Great Britain and France in 1839, those two nations agreed as between themselves, that all bays along certain parts of their respective coasts which were ten miles or less wide at their entrance, should be territorial in their entirety. That ten-mile line has been adopted in many subsequent treaties and it would seem that the ten-mile rule is in process of displacing and superseding the six-mile rule.

Whether tested by the six-mile or the ten-mile rule, however,

<sup>6</sup> Sir Thomas Barclay, *Annuaire de l'Institut de Droit International*, vol. XII (1892-94), p. 125; Richard Kleen, *ibid.*, p. 140.

<sup>7</sup> Lord Derby to Mr. R. G. Watson, September 25, 1894. *Ex. Doc.*, 1875-76, Washington, Government Printing Office (1876), p. 641.

<sup>8</sup> Theodore Ortolan: *Diplomatie de la Mer*, Paris, 1856, vol. I, p. 157.

<sup>9</sup> L. B. Hautefeuille: *Des droits et des devoirs des nations neutres en temps de guerre maritime*, Paris, 1868, third edition, vol. I, p. 60.



the great sea named in honor of Henry Hudson clearly forms a part of the open sea and does not fall within the category of the territorial waters of Canada, excepting of course the band of three miles that follows the contour of its shores. For the entrance to Hudson's Bay and its connection with the ocean ranges in width from forty-five miles up to more than double that distance across from land to land.<sup>10</sup>

In considering the legal status of Hudson's Bay, the fact that it is called a bay should not be allowed to cloud the question in issue. For though it is called a *bay*, it is in reality a large *sea*. Not only is Hudson's Bay several times as large as the area of Great Britain, but in addition it is much larger than such seas as the Baltic and the Adriatic, both of which were in former centuries closed but are now open seas. In fact, it is larger than the North Sea and the Sea of Japan, and compares favorably in its area with Bering Sea, all of which form part of the high seas.

Especially, however, a comparison of the size and legal status of Hudson's Bay and the Gulf of St. Lawrence are instructive and illuminating as to any exclusive claims of Canada over the former body of water. The area of Hudson's Bay amounts to 1,222,610 square kilometers, while that of the Gulf of St. Lawrence amounts only to 219,300 square kilometers. Both these seas are encircled by lands of the British Empire, the former by the Dominion alone, the latter by Newfoundland as well as Canada. The connection of Hudson's Bay with the ocean is not less than forty-five miles in width, and in general it is more than twice that distance. The Laurentian Sea, besides its connection with the ocean through the Strait of Belleisle which is ten miles wide between Newfoundland Island and the mainland of Labrador, is joined to the Atlantic Ocean by Cabot Strait, sixty miles in width. This is not only ten times as much as the usual six-mile test—in the absence of a treaty providing another measure as to whether bays are territorial or not in their entirety—but also besides, the center of Cabot Strait is far beyond the reach of shore batteries. By all the usual tests of the law of nations the Laurentian Sea is a part of the high seas. The distinguished British jurist, Dr. Westlake holds that the Gulf of St. Lawrence is an open sea.<sup>11</sup> And in the North Atlantic Coast Fisheries Arbitration case, which was argued before and decided by The Hague

<sup>10</sup> The *Encyclopaedia Britannica*, Cambridge, England, eleventh edition, 1910, vol. XIII, p. 851.

<sup>11</sup> John Westlake: *International Law*: second edition, 1910, vol. I, p. 197.

Judicial International Court in 1910, the Gulf of St. Lawrence was recognized by implication as an open sea by all parties concerned. It has been so regarded from time immemorial by the nations of the world.

Why then should Hudson's Bay, which is five and a half times as large as the Laurentian Sea, at this late day in the development of the doctrine of the freedom of the sea, be classed suddenly as a *mare clausum*? If that great northern sea named after Henry Hudson is to be ranked as a closed sea, it must be so classified on some other grounds than its geographical limits unless at the same time many other seas of lesser extent are withdrawn from the category of open seas.

As has been said above, Vattel, the leading authority upon the law of nations for all the world in the second half of the eighteenth century, whose treatise still carries weight to-day and is cited with respect, held that Hudson's Bay formed a part of the open sea. But also in more recent times other distinguished publicists and jurists have recognized Hudson's Bay specifically as an open sea. Thus for instance the Briton, Phillimore,<sup>12</sup> the German, Bluntschli,<sup>13</sup> the Russian, Fedor de Martens,<sup>14</sup> the Swiss-Belgian, Rivier,<sup>15</sup> have declared that Hudson's Bay forms a part of the high seas. And in the well-known "Encyclopaedia Britannica," eleventh edition, published in 1910, though it is said in the article on Hudson's Bay that Canada desires to make of Hudson's Bay a *mare clausum*, yet that large sea is acknowledged in that article to be a *mare liberum*. The writer says:<sup>16</sup> "The bay abounds with fish, of which the chief are cod, salmon, porpoise and whales. The last have long been pursued by American whalers, whose destructive methods have so greatly depleted the supply that the government of Canada is anxious to declare the bay a *mare clausum*."

There is a notable instance in the struggle for the maintenance of the freedom of the seas that supports that freedom for the waters of Hudson's Bay. In the early part of the last century, by an ukase issued in 1821 by the Emperor Alexander I, the Russian Government laid claim to an absolute dominion over Bering Sea, and also

<sup>12</sup> Sir Robert Phillimore: *International Law*, London, 1879, second edition, vol. 1, p. 284.

<sup>13</sup> J. C. Bluntschli: *Le Droit International Codifié*, traduction de C. Lardy, Paris, 1886, sec. 309.

<sup>14</sup> F. de Martens: *Traité de Droit International*, Paris, 1883, vol. 1, p. 504.

<sup>15</sup> Alphonse Rivier: *Principes de Droit des Gens*, Paris, 1896, vol. 1, p. 155.

<sup>16</sup> *The Encyclopaedia Britannica*, Cambridge, England, eleventh edition, 1910, vol. XIII, p. 851.



a large portion of the northern part of the Pacific Ocean. Against this claim of exclusive jurisdiction beyond the usual narrow band of territorial waters following the contour of the coast line, the Government of Great Britain as well as that of the United States protested emphatically. The difference between America and Russia was arranged by the treaty of 5/17 of April, 1824, which recognized among other things the freedom of the North Pacific Ocean. The negotiations between Great Britain and Russia were more protracted, but were finally arranged by treaty in 1825.

George Canning, Foreign Secretary of Great Britain, wrote on September 27, 1822, to the British premier, the Duke of Wellington, with respect to the claims advanced by the Moscovite Government over the waters of Bering Sea and the extreme northern part of the Pacific Ocean. Concerning the pretensions advanced by Russia in the ukase of 1821, Canning maintained that such claims were, according to the best legal authorities, "positive innovations on the rights of navigation." By common usage, "an accessorial boundary," he said, had been added for a limited distance to the shores of a state in order to secure to that nation sufficient protection, without interfering with the rights of the subjects of other states to navigate and trade freely. As stated in the ukase, the Russian claims, he maintained, disregarded this important qualification, and consequently were "an encroachment on the freedom of navigation, and the inalienable rights of nations." Continuing, Canning referred to an exchange of views that he had had with the Russian Ambassador and said that he thought that Russia would rescind that portion of her public notification whereby she had announced that she would "consider the portions of the ocean included between the adjoining coasts of America and the Russian Empire as a *mare clausum*, and to extend the exclusive territorial jurisdiction of Russia to 100 Italian miles." Thus Canning in a communication to his chief, the Duke of Wellington, the executive head at that time of the British Empire, maintained that the claim of Russia to exercise, to the exclusion of others, her sovereignty over a large portion of the Pacific Ocean and also over Bering Sea, which was bounded exclusively by her coasts, though with many passages more than six miles wide connecting the main ocean with Bering Sea, was not justified by the law of nations, either as taught by the jurists learned in that science or by the actual practice of nations.

The principal object of the British Government during the negotiations with Russia from 1821 to 1825, that resulted in the Treaty of 1825, was to maintain the freedom of the waters of the Pacific Ocean and Bering Sea. This we know from the instructions that George Canning, British Foreign Secretary, gave to his cousin, Sir Stratford Canning, as the latter was about starting to resume negotiations with the Russian Government, at the point where they had been suspended at an earlier date. In the latter part of the instructions to Sir Stratford, the British Foreign Secretary said:<sup>17</sup>

It remains only, in recapitulation, to remind you of the origin and principles of this whole negotiation.

It is *not* on our part essentially a negotiation about limits.

It is the demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent; but a demand qualified and mitigated in its manner, in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

We negotiate about territory to cover up the remonstrance upon principle.

But any attempt to take undue advantage of this voluntary facility, we must oppose.

Thus, the British Empire sought for her chief object, during the negotiations over her conflicting interests with those of the Russian Empire concerning land and sea in Northwestern America and Bering Sea, to obtain from the Moscovite Government a public disclaimer of the claim advanced by Russia in 1821 that Bering Sea and large parts of the northern Pacific Ocean were Russian territorial waters.

In the Anglo-Russian treaty of February 16/28, 1825, concluded by Sir Stratford Canning for Great Britain and Count Nesselrode and M. de Poletica for Russia, the latter nation gave up her pretensions to absolute jurisdiction over the waters of the North Pacific Ocean or Bering Sea beyond the usual limit along the coasts.<sup>18</sup> At the same time the two nations agreed upon a land frontier that was to separate their North American land possessions.<sup>19</sup>

Hudson's Bay and Bering Sea much resemble one another. Those two large seas are in great measure surrounded by land. Before and at the time of the signing of the Anglo-Russian treaty of 1825, and afterwards until Russia sold Alaska to the United States in 1867,

<sup>17</sup> *Fur Seal Arbitration, British Case*, Washington, vol. iv, p. 448.

<sup>18</sup> *Fur Seal Arbitration*: Washington, vol. iv, p. 42.

<sup>19</sup> Thomas Willing Balch: *The Alaska Frontier*, Philadelphia, 1903, pp. 5-f.



the land encasing those two seas was possessed by a single nation. If the entrance from the main ocean to those two seas, one called a sea and the other a bay, were six miles or less in width, both of them, at the time the Anglo-Russian Treaty of February, 1825, was signed, would have been classified according to the doctrine of *mare clausum* as closed seas. Russia had proclaimed openly to all the world her right of exclusive jurisdiction over the waters of Bering Sea, as well as part of the Pacific Ocean further toward the south. Russia wished very much to include Bering Sea within her own domain as a *mare clausum*. Like the United States, however, Great Britain contested this proposed extension of Russian jurisdiction over all of Bering Sea on the plea that, according to the accepted rules of international law, Bering Sea formed a part of the high seas and consequently was an open sea. And as the Russian Government gave up in 1824 to the United States, it likewise yielded in 1825 before the protest of Great Britain the Moscovite claim that Bering Sea was a *mare clausum*. But if Bering Sea was a *mare liberum* as the government of Great Britain asserted with so great success in 1825 against the contrary claim of the Russian Government, why then, according to the same line of argument, is not Hudson's Bay also a *mare liberum*? Surely the strong presentation of facts and the able arguments made with such success by the official representatives of Great Britain in the first quarter of the last century against the attempt of Russia to withdraw Bering Sea from the area of the high seas, by declaring it a closed sea, are applicable to the analogous status of the waters of Hudson's Bay. Surely if Bering Sea was an open sea in 1825, so also was Hudson's Bay. When, since that time, have either or both of them become closed seas?

From the foregoing brief survey of some of the historic facts and rules affecting the international status of the waters of the Hudsonian Sea, it is evident that that great body of salt water forms, like Bering Sea, the Baltic Sea, the Adriatic Sea and many other similar large sinuosities, part of the high seas. And that consequently Hudson's Bay is still what it was when Vattel wrote in the middle of the eighteenth century, an open sea.

## THE UNITED STATES AND CANADA IN THEIR HUNDRED YEARS OF PEACE

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By JAMES L. TRYON,

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The proposition to have a celebration of the Hundred Years of Peace, 1814-1914, recalls the relations between the United States and Canada since the signing of the Treaty of Ghent. The question naturally arises, Have their relations been pleasant? Are they in any way unique? Is there anything about them to celebrate?

That the relations of these countries are unique is attested by the fact that to a large extent their people are descended from the same ancestry, speak the same language, enjoy the same inheritance of the English common law, and have developed side by side a successful democracy. Quebec may have her French Roman law—so has Louisiana; neither affects the common law of other jurisdictions. French is one of the official languages of the Dominion of Canada, and here may be an exception that we cannot parallel, but the French Canadian is an integral part of Canadian life, and Sir Wilfrid Laurier has declared in the same loyal spirit as Sir John A. Macdonald, that he is a British subject. We have in the United States nearly a million and a half loyal French Canadians, many of whom can say, "I am an American citizen." And so, although the parallel may not be exact, a resemblance exists. More than that, it is impossible oftentimes to distinguish a British Canadian from an American by his dress or his accent. All these facts indicate the oneness of the two peoples.

It does not necessarily follow, however, that, because these peoples are closely related, they are exempt from disagreement. The very closeness of their relation and their geographical nearness to each other have often caused controversies that would never have occurred had they lived farther apart; but, whenever there has been irritation, it has, except in one instance, ended in a friendly understanding. All the more reason, then, is there for a day of rejoicing over the long peace that, in spite of international complications, has prevailed.



A lesson, at once most timely and encouraging in this age when nations that are outwardly friendly are armed to the teeth, can be learned from the experience of the United States and Canada. It will show that, in one instance of very great importance, an agreement for the limitation, reduction, and disuse of armaments has been a practical success. By an exchange of notes that took place in 1817 between Great Britain and the United States, with the approval of the United States Senate, Sir Charles Bagot, minister representing the mother country, and Richard Rush, acting for the American Department of State, an agreement<sup>1</sup> for the limitation of naval armaments was made to the effect that each nation should maintain not more than one warship apiece on Lake Ontario and Lake Champlain, or more than two each on the Great Lakes, none of which ships should exceed one hundred tons in burden, or be armed with larger than an eighteen-pounder cannon. It was understood by the contracting parties that this agreement might be terminated on six months' notice from either power to the other. The agreement has been subjected to considerable strain at times, but in spirit it has never been broken. That it could ever have been literally kept was impossible, except at the start, because of the low standard of tonnage and armament in the early days of the nineteenth century, as compared with the enormous tonnage and armaments of to-day. Mr. Root once referred to this singular compact as having become "an antiquated example of naval literature." There was a period about 1838, during the Canadian rebellion, when the British government exceeded the limit agreed upon and justified its position to the United States on the ground of public danger; and there were one or two occasions when the United States was called to account by the British minister for exceeding the limit as to the size of ships, but these technical departures from the stipulations have never been deemed serious. There was, however, an attempt made by the United States to have the arrangement terminated towards the close of the civil war, when the Federal government was compelled to take measures for the defense of its territory from Confederate invasions made, or expected to be made, from Canada. But the end of the war came before the six months required for notice actually expired, and the United States decided to let the contract remain in force.

<sup>1</sup> For a history of the naval agreement, see I Moore's *International Law Digest*, section 143. Consent of the Senate given April 16, 1818; proclaimed April 28, 1818.

But the point that the experience illustrates, and the same thing is practically true of the land as well as the lakes boundary, is that on a border line of more than three thousand miles—the longest in the world—there is no appreciable menace by either nation from forts or warships, and the expense for their maintenance, when compared with that of the armaments of European countries in like situations, is hardly worth consideration. The Canadian border line has aptly been called the safest border line in the world.

Most of the questions that have arisen between the United States and Great Britain in relation to Canada have been questions of boundary or of fishing rights. Nearly all questions relating to boundaries have arisen in consequence of obscure passages in or mistakes in maps used by the makers of the Treaty of 1783. Fisheries questions have turned chiefly upon the interpretation of the convention of 1818. All disputes have been settled by arbitration or diplomacy. Although sometimes the decisions rendered and the settlements made have been unsatisfactory to the losing party, the conduct of the two peoples has been highly honorable and left no sting of international resentment that abides to this day; and, to prepare for the future, these countries have now entered upon an arrangement that is quite as unique as the "Truce of Armaments." They have constituted an international boundaries commission that is capable of dealing with every question that may come up, arising from interests pertaining either to the frontier or elsewhere.

The first question of importance between Canada and the United States is related to the northeastern boundary. A commission was provided for in the Jay Treaty to determine what river was meant by the St. Croix in the Treaty of 1783. This commission, composed of two arbitrators, each of whom was a citizen of the contending countries, and an umpire, also a national of one of them, chosen by the two commissioners, fixed upon the Schoodic, or Schoodiac, River, according to the American claim, instead of the Magaguadavic as contended for by Great Britain. This settlement, the story of which is appreciatively told in the first volume of John Bassett Moore's "International Arbitrations,"<sup>2</sup> was made by men of the highest personal

<sup>2</sup> For the history of international arbitrations between the United States and other countries, see generally Professor John Bassett Moore's *International Arbitrations*, 6 volumes, with maps. The first volume relates especially to arbitrations between Great Britain and the United States, including those in which Canada has been interested. There is no other work of equal authority on the subject. The writer combines with historical accuracy a respect for international justice



character and legal fitness, who, though their sympathies had been with one side or the other in the revolutionary struggle, were rejoiced that they could perform their duties to this controversy as brothers rather than as enemies. James Sullivan, of Massachusetts, agent of the United States, in concluding his report on this arbitration in 1797, wrote: "Why shall not all the nations on earth determine their disputes in this mode rather than choke the rivers with their carcasses, and stain the soil of continents with their slain? The whole business has been proceeded upon with great ease, candor, and good humor."<sup>3</sup>

When the war of 1812 had demonstrated to Great Britain the necessity of a clear title to the route from Halifax to Quebec overland, south of the St. Lawrence, an effort was made to secure it as of right under the Treaty of 1783; but the peace commissioners of the United States, to whom the matter was referred at the time of the negotiation of the Treaty of Ghent, resisted the British claim. An agreement was then made, however, that a special commission should be appointed by the British and American governments to survey and determine the line. If the commissioners failed to agree, the question was to be submitted to a friendly arbitrator. The commissioners disagreed and the King of the Netherlands was requested to arbitrate. Failing to find an unmistakable line according to the maps and information laid before him, he recommended a compromise boundary, which was calculated to suit the convenience of both parties but to cause serious loss to neither. This award, or recommendation, being in excess of the arbitrator's powers, was not accepted, and after considerable correspondence the dispute was settled by Daniel Webster and Lord Ashburton, who, in 1842, met at Washington and agreed upon a conventional line. This line gave to the United States about seven-twelfths of the twelve thousand square miles of land in dispute, and to Great Britain for Canada five-twelfths, which was more than the arbitrator had allowed to her. The treaty further confirmed to the United States its claim to Rouse's Point, which was found to be a little north of parallel 45°, the accepted line between

and a high regard for the public services of the men of all nations who have helped to adjust the differences described.

See also an address by Justice William R. Riddell, on "Arbitration Treaties affecting the United States and Canada," in the report of the Lake Mohonk Conference on International Arbitration, 1912, page 75. See the same writer, in *Judicial Settlement of International Disputes*, p. 14, in which report he is equally happy in his account of the relations between the two countries.

To both Professor Moore and Justice Riddell I am indebted for my summary of facts.

<sup>3</sup> Moore's *International Arbitrations*, I, 17.

the two countries at that point, and granted the right to citizens of the United States to use the St. John River in the British dominions for floating down lumber and other produce, on the same terms as allowed to citizens of Canada. The general government of the United States compensated the states of Maine and Massachusetts, proprietary owners of the land in controversy, for their losses, by payments of \$150,000 each, and gave to Maine, in addition, a considerable sum to reimburse her for expenses incurred in defending her claims to the territory, the jurisdiction over which she had exercised.

The Webster-Ashburton treaty had been preceded by great public excitement on both sides of the line. The State of Maine had appropriated \$800,000 for military purposes, and the United States government \$10,000,000 in the form of extra credit to support the assertion of the American claims. Arrests and counter-arrests had been made by the governments of Maine and New Brunswick. Maine had a civil posse on the scene and had equipped regiments for war. Forts were built and military roads constructed to anticipate hostilities. In fact, the controversy was called "the Aroostook war;" but this was a misnomer—there was no war. General Scott was sent to the border to effect an armistice between Maine and New Brunswick. The situation was further complicated by the affair of the *Caroline*, the destruction of an American vessel on the Niagara River, and the accidental killing of an American citizen by a British-Canadian force. This force, the public character of which Great Britain afterwards acknowledged, thus succeeded in preventing supplies from reaching some revolutionists on Navy Island; but, to placate outraged national feeling, the destruction of the *Caroline* was made the subject of an apology in a letter from Lord Ashburton to Mr. Webster. Other events, like the case of the *Creole*, afterwards (1853) adjusted by arbitration, also endangered the situation, but the diplomacy of the two distinguished commissioners was equal to the emergency.

At a critical stage in the negotiations relating to the boundary line, Lord Ashburton and Mr. Webster ceased to keep written protocols of their work, and informally reached their conclusions. Both were afterwards severely criticised for making concessions, and in England the settlement was contemptuously spoken of as "the Ashburton capitulation" by political opponents like Lord Palmerston. Webster justified himself in an able speech on the Treaty of Wash-



ington. But no statesmen of Great Britain and America were ever more patriotic, or ever had the larger interests of their two peoples more at heart than these great men. After his appointment as commissioner, Lord Ashburton, in a private letter to Mr. Webster, wrote: "The principal aim and object of that part of my life devoted to public objects during the thirty-five years that I have had a seat in one or the other House of Parliament, has been to impress on others the necessity of, and to promote myself, peace and harmony between our countries; and although the prevailing good sense of both prevented my entertaining any serious apprehensions on the subject, I am one of those who have always watched with anxiety at all times any threatening circumstances, any clouds which, however small, may, through the neglect of some or the malevolence of others, end in a storm the disastrous consequences of which defy exaggeration."<sup>4</sup>

The peace that has prevailed between Great Britain and America is to a large degree due to the fact that we have had men like Webster and Ashburton to meet every warlike situation.

The fixing of the national ownership of islands in Passamaquoddy Bay was the work of a commission in 1817, authorized by the Treaty of Ghent. But afterwards it was found that the title to a few small islands was not settled and the boundary line in Passamaquoddy Bay was finally determined by a treaty signed May 21, 1910; ratifications exchanged August 20, 1910. Doubts as to the boundaries of the United States and Canada in the St. Lawrence, Lakes Ontario, Erie and Huron, were peacefully solved by two commissioners in 1822. Under the Treaty of 1854, a dispute as to places reserved respectively to Americans and Canadians for their fisheries in that treaty was adjusted by a commission with the aid of an umpire.

In 1846 another question of almost equal importance with that of the northeastern boundary arose in the Northwest; where, however, at that time the national life of Canada was undeveloped and Great Britain, as the mother country, was the chief British party concerned. By the assertion of long cherished rights, both the United States and Great Britain laid claim to land near the Columbia River. To prevent a clash of arms, the debatable land was by treaty occupied in common, without prejudice to claims of either

<sup>4</sup> Van Tyne's *Letters of Daniel Webster*, p. 253.

country, from 1818 for ten years. Attempts to settle the question in 1824 failed, and in 1827 the joint occupation was indefinitely renewed. The excitement of the political campaign of 1844 in America is remembered by the cry, "Fifty-four forty or fight!" which helped to secure the presidential office for Mr. Polk. England at that time claimed down to the mouth of the Columbia River, between 46° and 47°. This question was settled shortly afterward by an agreement made by James Buchanan, Secretary of State, and Mr. Pakenham, the British minister, who compromised on the line of 49° and kept the peace. A question of comparatively no importance from the point of view of international excitement was settled in 1869, when a commission adjusted claims of the Hudson's Bay Company and the Puget's Sound Agricultural Company.

In practically all the negotiations between the United States and Great Britain affecting Canada up to 1871, Canada was represented solely by Great Britain; but in the making of the Treaty of Washington, signed May eighth of that year, she was specially represented by Sir John A. Macdonald,<sup>5</sup> her distinguished premier. After the rejection by the United States of the Johnson-Clarendon Convention, which had made provision for the settlement of claims between the two countries, but met with almost unanimous opposition in the American Senate, the two governments were brought together by the instrumentality of Sir John Rose,<sup>6</sup> a member of the Canadian ministry. Sir John Rose, as British commissioner in the settlement of the Hudson's Bay and Puget's Sound Agricultural companies' claims, made the acquaintance of some of the leading men in, and connected with, the American Department of State; and "as one-half American, one-half English, enjoying the confi-

<sup>5</sup> The signers of the treaty were, on the part of the United States, Hamilton Fish, Robert C. Schenck, Samuel Nelson, Ebenezer Rockwood Hoar, and George H. Williams; on the part of Great Britain, the Earl de Grey and Ripon, Sir Stafford H. Northcote, Sir Edward Thornton, Sir John A. Macdonald, and Montague Bernard.

For the important part taken by Sir John A. Macdonald in the making of the treaty, see Joseph Pope, *Memoirs of the Right Honorable Sir John Alexander Macdonald, G.C.B., First Prime Minister of the Dominion of Canada*, and Lieutenant-Colonel J. P. Macpherson, *Life of Sir J. A. Macdonald*.

It is interesting to note that this statesman, like Mr. Webster and Lord Ashburton, was criticised by some of his people for making concessions. His remarkable defense of himself, which in its way is quite equal to the speech made by Mr. Webster many years before, will be found in II Macpherson, p. 110. This speech was made in the Canadian House of Commons May 3, 1872, and reported in its records.

<sup>6</sup> See Moore's *International Arbitrations*, I, 519-30; and, in that connection also, J. C. Bancroft Davis' *Mr. Fish and the Alabama Claims*; Frank Warren Hackett's *Reminiscences of the Geneva Tribunal*; Charles Francis Adams' *Lee at Appomattox, and other Papers*.



dence of both governments," had been asked by the British government to see what could be done informally towards settling the questions at issue. He exercised his good offices with tact and ability. The Treaty of Washington was the most important ever made in respect to the number and character of the arbitrations for which it provided. The chief of these, and the most important in the history of the world, was the Geneva Arbitration, which dealt with the Alabama claims, in which however Canada was not especially concerned, as the questions were between the United States and the home government of Great Britain. The award rendered gave the United States \$15,500,000. The Treaty of Washington made an arrangement for the settlement by commission of claims for damages by citizens of the United States against Great Britain, and by British subjects against the United States, arising out of occurrences during the period of the civil war, entirely apart from the Alabama claims. These included claims connected with the St. Albans, Vt., raid, which was alleged to have been made by Confederate soldiers who came by way of Canada. There were a few other matters of damages that also related to Canada. In the Treaty of Washington provision was made for fixing the amount of compensation due from the United States to Canada for fishing privileges conceded by Great Britain under that treaty. The commission met at Halifax and awarded \$5,500,000. For a time, the payment of this money, the amount of which was deemed to be excessive, provoked discussion in the United States; but a right feeling prevailed and the debt was honorably discharged.

The San Juan boundary, the question as to the location of the channel between Vancouver Island and the continent, was, under the Treaty of Washington, referred to Emperor William I of Germany, who decided in favor of the contention of the United States, which claimed the de Haro Channel.

The Bering Sea controversy arose in connection with the seizure of Canadian vessels in waters wrongly claimed as jurisdictional by the United States. The decision rendered by a commission at Paris, 1893, made an award favorable to Great Britain, which obtained for Canada by a commission, under a treaty made in 1896, about \$473,000 damages. The first commission made protective regulation for the sealing industry to be observed in the future. The question had threatened serious trouble to the respon-

sible heads of government, but they kept it within their own confidence and did not permit it to embroil international relations.

One of the greatest questions of boundary, that between Alaska and British Columbia, failed of adjustment by diplomacy and was referred to a joint high commission of British and American citizens. Two of the British delegation were Canadians. By vote of four to two, the Canadian members dissenting, the English member joining with the three Americans, the case was decided at London in 1903 in favor of the contention of the United States. There was much dissatisfaction in Canada over the results, and Lord Alverstone, the English member of the tribunal, was severely criticised for sacrificing the interests of Canada to those of the Empire, but the award was accepted.

The most important arbitration of modern times, except that of the Alabama claims, was really between Canada and the United States, though nominally between this country and Great Britain. Newfoundland was also concerned in it. This was the fisheries question, which had been dragging on latterly under a *modus vivendi*, but formerly under other temporary arrangements, none of them very satisfactory, for seventy years. At times there was friction which was due to the enforcement by naval patrols of provincial laws against American fishermen who were in direct rivalry with Newfoundland and Canadian fishermen on what appeared to be their own ground. By the treaty made in 1909, which related back to the general arbitration treaty negotiated in 1908, the case, in the form of seven vital questions, was submitted to a tribunal at The Hague which rendered its decision in 1910. The American judge was George Gray, of Delaware. The British judge was a Canadian, Sir Charles Fitzpatrick, Chief Justice of Canada. The neutral judges were Professor Lammasch, of Austria; Dr. Savornin-Lohman, of the Netherlands, and Dr. Drago, of the Argentine Republic. Professor Lammasch served as president of the tribunal. No dispute that has ever been tried by the British and American governments, unless it was the claims litigation presided over by Joshua Bates in 1853, has ever been settled to better satisfaction for both parties than the fisheries case. It has proved to be powerful evidence among the English-speaking peoples, and before the world, of the efficiency of the Permanent Court of Arbitration at The Hague.

By a treaty made in 1909 for the United States and Canada,



an international joint boundary commission of six members was created to deal for the future with all disputes affecting Canadian and American rights, obligations, or interests on the frontier or elsewhere, either in the relations of these countries to each other as governments or between their respective peoples. The arrangement provides that the commission may act either as a board of inquiry to make a report, or as a tribunal; but in the latter case agreement to submit a dispute to the commission must have the consent of both the Canadian and American governments.<sup>7</sup> This commission has been described by Mr. Justice Riddell, of Toronto, as "a miniature Hague tribunal" between Canada and the United States. It makes all outside intervention unnecessary and the resort to force inconceivable.

Upon the question of reciprocity it is not the purpose of the present writer to enter other than to observe its relation to questions of war and peace. International friendship and reciprocal trade between these two countries are usually kept apart by intelligent peace workers. In 1854 a reciprocity treaty was made which, until its expiration by notification by the United States in 1866, gave general satisfaction to both countries. This was followed by a standing offer on the part of Canada for a similar treaty for many years afterwards, but to no avail, as the United States would not respond to it. When, however, reciprocity was proposed by the United States in 1911, it was declined on the part of Canada. A campaign in which reciprocity was the leading question was fought out in Canada in 1912, mainly on commercial issues, but effective appeal was also made to Canadian national sentiment on the ground that the arrangement might lead at some future time to the absorption of Canada by the United States, or at least it would place Canadian trade at the mercy of the United States. The refusal of Canada, though a disappointment in some quarters in this country, did not deeply, or indeed at all, affect the friendly feeling that had long prevailed between the Canadian and American peoples, but was regarded on this side of the line as perfectly legitimate, and the relations between the two countries are as cordial to-day as ever. "Believe me," said Premier Borden, speaking before the American Society of International Law in April of last year,

<sup>7</sup> See IV *Supplement American Journal of International Law*, 239. In case of equal division of the commission an umpire shall be chosen.

"I do not need to assure you of it—that the result in Canada on that occasion was not dictated in any respect, in any degree whatever, not in the slightest degree, by any feeling of unfriendliness toward the people of the United States; because we know that the relations between the two countries during the past twenty-five years have been most friendly and cordial in every way, and I do not doubt that in all the years to come that friendliness and cordiality will be maintained to the full."

There have been in the past some occasions when men like Goldwin Smith have proposed the political union of Canada and the United States and insisted that, although retarded for a time by secondary forces, union is destined inevitably to come; but there is no such tendency at present, rather all signs point to the contrary. The only union that is likely, as Mr. Justice Riddell has well said, is that of the heart. Each country prefers its own form of government—the one a democracy under a monarchy, the other a democracy in a republic; the "crowned and the uncrowned republics," Mr. Carnegie, a true lover of both, once happily characterized them. Talk of merging the interests of these two countries is seldom heard in the United States, and when made is usually regarded either as a joke or as the dream of a visionary. In Canada the proposal of a merger might be taken as an affront or, charitably viewed as the suggestion of a person uninformed as to Canadian sentiment.

At this point there lies a difficulty in the relations between the two peoples that historical students ought to remedy. It must be admitted that the American, as a rule, is absorbed in his own affairs, which, at the enormous rate at which his country is developing, give him much to think about at home. He is indifferent to Canada; he is ignorant of Canadian history and institutions. A student in a Canadian college learns considerable of the history and institutions of the United States. Historical courses on Canada are practically unheard of in American colleges. The average Canadian school boy knows the names of the states of the American Union. The average American school boy could probably not name the provinces of the Dominion of Canada. The average Canadian college student has an intelligent conception of the Constitution of the United States. The average American college student knows nothing of the British North America Act; he knows, of course, all the glorious traditions of the Pilgrim Fathers, but he has never



heard of the Fathers of the Confederation who laid the foundations of a new political union that is destined, in the minds not only of men like Sir Wilfrid Laurier, but of well-informed Americans, to become in the twentieth century one of the most prosperous and influential commonwealths of the world. The average Canadian knows American poets like Longfellow, philosophers like Emerson, and novelists of various types; but the average American has little idea of Canadian literature, whether in the form of poetry, philosophy, or novels. A large, though not increasing, number of Canadian students come to the United States to study in our colleges and universities, but comparatively few American students go to Canada for collegiate training. That there has been an interchange between school teachers and college professors by means of conventions and otherwise, and that there is a mutual debt in the establishment of representative educational institutions of the two countries, there can be no doubt. President Lowell of Harvard has proposed that this mutual debt be recognized at the time of the celebration of the Century of Peace. But this does not consciously affect the average man in America, or cause him to study Canadian history and institutions. If he is studious, he knows much more about France than about Canada, and still more about England. As to industry, excepting the knowledge that certain enterprising American farmers have of the Canadian Northwest, the American is poorly informed as to Canadian conditions, and has little conception, for example, of the wonderful railway systems stretching across the continent from St. John and Halifax to the Pacific and connecting the shipping of England and the Orient with continuous lines. All this deficiency on the part of the average American citizen and student will, it is hoped, be made up in the next few years.

There will be a strong effort made, in connection with the celebration of the Hundred Years of Peace, to bring about a better understanding in the United States of Canadian history and institutions. Preparations for the Centenary of Peace will inevitably correct many false impressions, and will give the people of both countries a larger point of view. It may cause history to be rewritten. Some passages in the text-books that retain the spirit of old-time prejudice that is now unworthy of us ought to be removed, particularly in the narratives of the revolution and the war of 1812. Although the peoples of our two countries have in these two

memorable conflicts been enemies, it must be remembered that it is our business to be friends to-day and in the future. Courage and devotion may well be commemorated in patriotic anniversaries. Then each nationality should stand by its own revered principles of government and put a halo of glory around the names of its own worthies, whether military or civic. But at the time of the anniversary of the Treaty of Ghent, let all animosities be forgotten and memorials of our unhappy conflicts give place to rejoicings over our long period of fraternity and peace.



## THEOCRATIC QUEBEC

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It has been said that the privileges which the Catholic church enjoyed in the France of the old régime were conferred upon her as a reward for services against the barbarians. The same may be said of the Catholic church in Quebec, only that the barbarians in this case are the English. From the time of the conquest to the time of Papineau's rebellion competent observers believed that the French-Canadians would lose their nationality. Tocqueville, when he visited America in the early thirties, regarded them as "the wreck of an old people lost in the flood of a new nation." We are told that Garneau, as he "heard the dull booming of the rising tide of the Anglo-Saxon race," wondered if his history of Canada were not after all a funeral oration. That the prophets have been confounded, that the French-Canadians have remained French and clung to the language which they brought from their Norman and Breton homes, is largely the result of clerical leadership.

After the conquest the church became the natural leader of the people. Now that the military and civil officials, the merchants and capitalists, had returned to France, the peasants had nowhere else to look for guidance. Poor, illiterate, altogether untrained in the conduct of public affairs, they confided their future to men who were accustomed to wield authority and to exact obedience and who had every reason to oppose Anglicizing influences. The Catholic clergy were anxious to keep the peasants free from contact with the Protestant English. It was in this way that the peculiarly intimate alliance between clergy and people came about, destined to leave a deep impress upon the institutions and literature of the country. Patriotism and religion were joined together.

Before inquiring what the church has done to justify her assumption of leadership, something must be said of the numerical increase and the distribution of the French-Canadians. Without some knowledge of their phenomenal development it is impossible to appreciate the practical value of clerical leadership or to understand

the gratitude of the people and the tangible form which that gratitude has taken. In 1765 there were, within the present boundaries of Canada, less than 80,000 Frenchmen, descendants of the six thousand settlers who came from the mother country during the century and a half of the old régime. They were a conquered people, deprived of their leaders and without material resources. Since that time they have received no accession of strength from immigration; in the whole of Canada there were less than eight thousand "Français de France" at the opening of this century. Nevertheless, the handful of peasants have increased to more than three millions.<sup>1</sup> Dominant in the province of Quebec, where they constitute eighty per cent of the population (1,322,115 in 1901), they have thrust themselves westward into Ontario, where they control several border countries; eastward to join the resurgent Acadians who now form a quarter of the population of New Brunswick and more than half the population of the six northern counties of that province; and southward into New England where, drawn by economic forces which have now ceased to be operative, they settled in the factory towns, and now form something like a fifth of the population of Vermont, New Hampshire and Rhode Island. Careful estimates have shown that there are a million and a half French-Canadians in the United States. But, scattered among a rapidly-increasing population of different origin and no longer fortified by new blood from Quebec, there is little chance of their persistence as a separate nationality even in those parts of New England where they are most numerous.

It is in the cradle of the race, upon the banks of the St. Lawrence, that the hope of the future lies. Quebec is not an English-speaking province and presumably never will be. Nowhere else, in Canada or the United States, is there a people who can so fairly claim to be autochthonous. The French-Canadians, whose blood runs substantially pure and whose language is more nearly that of the seventeenth century than is the language of modern France, have built up in the last three centuries one of the vital resources of a people, a history of which they are proud. They cherish the days of Frontenac and La Galissonnière, of Bréboeuf and Daulac des Ormeaux, in a peculiarly intimate way. Those who know the songs they sing and the literature they have produced will under-

<sup>1</sup> The figures given here are based upon the Canadian census of 1901, as the tables showing the distribution of races under the last census are not yet available.



stand how deep their love of the soil goes. As their poet Crémazie wrote in his "Le Canada":

Tu fais rayonner la lumière  
De tes souvenirs glorieux,  
Et tu racontes à la terre  
Les grands exploits de nos aïeux.

All that has happened in Quebec since its cession to the English seems to indicate that assimilation will never take place. Sheltered behind a national organization which has called to its service religion, education, language, literature and national societies, and which is everywhere informed by a deep consciousness of race, the French-Canadians have preserved their distinctive characteristics and have contested successfully with their conquerors for possession of the soil. In the second half of the nineteenth century the English element declined from twenty-five to twenty per cent of the population. In five counties an English population does not exist; in a score of others it falls below five per cent, usually well below. In the country districts the tendency has been for the English majorities, where such existed, to become minorities and sink gradually into insignificance. "The danger of assimilation has completely disappeared," says M. Thomas Côté; "we are the masters of our destinies." The process by which the English have been supplanted upon the soil is best exemplified by the history of the Eastern Townships, the eleven counties which lie between Montreal and the American frontier and which were originally settled by immigrants from Great Britain and the United States. By 1851 the French had become a third of the population of the Townships; by 1861 nearly a half; by 1901 two-thirds. In many an old English center all that remains to show the past is a ruined Protestant church and an overgrown graveyard. If the present tendencies continue, the soil of the Townships will pass entirely to the invader.

What has brought about this movement? Aside from the superior fecundity of the French-Canadians (there is an authentic case of thirty-six children in a family), it cannot be ascribed to their superior energy. Those who know the obstinate conservatism and routine methods of the *habitant* would scout the idea. The truth is that the displacement was voluntary at first, the English-speaking farmer going elsewhere to better his condition, and was afterwards

enforced; and it was enforced, not by any survival of the fittest, but by the organization and activity of the Roman Catholic church. In fact, the church is the main factor in rooting the *habitant* to the soil and keeping him there. Her clearly developed plan, as the *curé* tells his flock in the country parishes, is to make the English and Protestant parts of the province Catholic and French. Colonization societies, in which the clerical element predominates, give assistance to poor colonists, contribute to the cost of churches and schools, and open up new roads. They act as bureaus of information. They know of every farm which has been offered for sale and have one of the faithful ready to occupy it. Behind the church stands the government, subsidizing the societies and contributing to the cause in other ways. The Papal Zouaves were rewarded with a block of township land.

In each locality the same thing happens. One by one the English families leave. One by one, directed by the church, the French families arrive. Finally a time comes when the English, losing their predominance, feel the pressure of the invasion. Left more and more in the minority, they find it hard, then actually impossible, to maintain the one Protestant church which ministers to the various denominations. The children, playing with French children, are in danger of becoming French. Thus the retreat, which was gradual and voluntary at first, finally develops into a frightened rout. Those who remain behind become, like the Highlanders of the county of Charlevoix, French in everything but name. From all parts of the province the English have been converging on the island of Montreal. In the twenty years preceding the census of 1901, although their increase for the province was only 41,500, they added 38,700 to the population of the city alone. To the population of the whole island, which is becoming more and more a mere suburb of the city, they added over 60,000—at the expense, of course, of other English districts. As long as conditions are unaltered this movement will continue. Only in Montreal have the English a position of apparent security and permanence. It is a curious situation. Perhaps in defending Montreal they feel unconsciously that they are defending the last ditch.

Equally notable have been the services of the church in the revival of the Acadian people. With the misfortunes of the Acadians everyone is familiar, whether from the poetry of Longfellow or the



narrative of Parkman. It was generally believed, as late as the middle of the last century, that those misfortunes had destroyed them; in fact the story of their astonishing survival was first recounted to the world in 1887 when Casgrain wrote his "*Pèlerinage au Pays d'Évangéline*." The few hundred peasants who were driven from their homes and scattered over the Atlantic seaboard in 1755 have developed into a vigorous people, proud of their history and confident of the future. They have their own flag, their own national holiday, their own newspapers; and in the public schools they are allowed French books and French teachers. All this is very remarkable; and it was accomplished entirely under the leadership of the church. It has given the church one more claim upon the gratitude of the French-Canadians, because the struggle to preserve a common nationality has obliterated the differences in origin and history which formerly separated the two French peoples of Canada and Acadie.

In order to give the French race and the French language (or, in other words, the Catholic church), a secure position in Quebec, the clergy have unceasingly combated the dangers of assimilation. They have sought to reduce as far as possible the points of contact between English and French. In 1910 the first Plenary Council of Quebec urged parents to keep their children free from dangerous association with Protestants. Some years ago Archbishop Fabre declared that "Catholics who understand their duties and responsibilities toward their children should aim at cutting the evil at the root by discouraging intimate relations with Protestants." His successor, Archbishop Bruchési, has spoken in the same sense. Excommunication lies against any Catholic contracting a marriage before a Protestant minister; and no priest may officiate at a "mixed marriage" between a Catholic and a Protestant unless an episcopal dispensation has been granted. In 1907 Archbishop Bruchési announced that "we will no longer, as in the past, grant dispensations for mixed marriages. Let them not hope to obtain these dispensations because they bring forward the weighty reasons of temporal advantage or mutual affection." For her own reasons the church prevented the establishment of a public library in Montreal in 1903, just as she struck down, a half century ago, the Institut Canadien where English and French radicals met together. Not only has a system of education been developed in which the French have their

own schools and colleges, but attendance at the Protestant English schools, which usually provide a better course of studies and more efficient instruction, is strictly prohibited. The penalty, established by the Councils of Quebec and approved by the Holy See, is refusal of the sacraments; and once a year the attention of the faithful is drawn to this point. The clergy have given every encouragement to the work of purifying the language of intrusive "Anglicisms," a movement which resembles the classical revival in Greece about a century ago. Among French-Canadian authors they have been represented by such men as Abbé Ferland and Abbé Casgrain.

For such notable services against the barbarians the church has received equally notable rewards. Above all, she has received the loyal support and affection of the people she has served. Cardinal Vanutelli, as he passed up the St. Lawrence to represent the Pope at the Eucharistic Congress of 1910, received from every parish on its shores a welcome which could have been equaled in no other country in the world. He said that it reminded him of a day in the Middle Ages. No better description could have been given to the spirit which animates Catholic Quebec. In no way has the church demonstrated her influence so impressively as in supervising the people's theatrical amusements and their reading. In the rôle of public censor she has destroyed powerful newspapers and muzzled others, disciplined the managers of theaters, forced authors to withdraw their books, and banished from the shops and libraries the novels of Honoré Balzac and the poems of Alfred de Musset. Why do newspapers like *La Presse* publish edifying discourses on the eucharist? Why is Montreal, the metropolis of Canada, unprovided with a public library? Why is the Théâtre de Nouveautés, once the home of good drama, given over to the exhibition of moving pictures? It is because episcopal interdicts, even at this day, are enforced by a sanction as effective as that which stands behind the laws of the state. The interdict may be dead in other countries, but it flourishes in Quebec. Observing the results of its employment, the mind travels back to the days of Innocent III.

Innumerable illustrations of this ~~clerical censorship~~ might be given. Allusion has been made to the Théâtre des Nouveautés. A few years ago, after being censured by the Archbishop on account of an objectionable production, the manager gave his word that no immoral play would ever be given in the theatre again. Not long



afterwards Bernstein's *La Rafale* was announced. This play, according to the Archbishop, "is nothing but a display of low sensuality and an apology for suicide." The theatre was promptly interdicted, not only for the week during which the play was to run, but indefinitely. All the French papers refrained from criticism of the play. An audience which was almost entirely English attended on the first evening; on the second the doors were closed; on the third the manager wrote to the Archbishop asking to have the interdict removed. It was removed, but on condition that the posting of plays should henceforth be approved by a committee of clerical censors. Shortly afterwards legitimate drama gave way to moving pictures.

Among the many newspapers which have fallen under archiepiscopal displeasure may be noted *Les Débats*, *Le Combat*, and *L'Action* which appeared successively between 1899 and 1904. They were managed and edited by Edouard Charlier, an old-country Frenchman, who had little knowledge of the limitations placed upon the freedom of the press in Quebec. He spoke violently against "the brutal invasion of the Transvaal," and was not molested. But when he eulogized certain dangerous French authors, mocked the Syllabus, attacked the memory of Archbishop Bourget at the moment when the diocese was erecting a monument to him, and ridiculed a letter of Archbishop Bruchési regarding Sunday observance, he found the church less patient under criticism than the state had been. The faithful were prohibited from buying *Les Débats*, selling it, or having it in possession. The paper ceased publication. Immediately afterwards Charlier launched another weekly called *Le Combat*. "It resembles its brother," cried a clerical organ in Montreal; "we are forced to believe in metempsychosis!" Indeed, in its short and merry career *Le Combat* gave good evidence that it possessed the spirit of the departed. There was little disguise of the fact that its dominating idea was hatred of the clergy and that it wished to warn the people against everything which savored of clerical control. Again the thunderbolt fell. And again, after reading the Archbishop a little lecture, M. Charlier managed to transfer the old spirit to a new body. *L'Action*, however, did not survive its first number. More famous was the case of *Le Canada-Revue* which, ruined by the interdict in 1892, carried its grievances to the courts only to find that no redress could be obtained. The Archbishop was held to have acted within his rights.

Much may be said in justification of clerical censorship. The church has undertaken a responsibility which the state has failed to assume. She has labored conscientiously to keep the people clean, to protect home life, to preserve simple manners and innocent tastes; and the high level of morality—using the word in its narrower sense—which prevails among the French population of Quebec bears good testimony to her services in the discharge of a great trust. Too often, in the clamor raised over her mistakes and her selfish behavior, that achievement has been overlooked. But it would be quite as wrong to overlook instances of excessive zeal and unnecessary oppression, acts of violence done where no public interest appeared to be at stake and where the battle was fought from the questionable motive of preserving power or punishing *leze majesty*.

The dangers of clerical censorship must be fairly obvious, even to those who are not familiar with its actual operation. The church is an irresponsible organization, asserting over civil society an authority ordained by divine will, resisting with all her power any attempt to diminish that authority, and resenting every word of criticism and every act of resistance. The educational system of Quebec, for instance, having fallen under the control of the clergy, is invested by them with a quasi-religious character; and to touch "the sacred arch of education," as Senator Poirier ironically calls it, or to discuss glaring defects and pressing reforms with any degree of frankness requires a good deal of courage; the church will at once assume that the criticism is leveled against herself. How then will it fare with those who throw discredit upon the teaching of the church,—as was impliedly done in Bernstein's *Rafale*—or bring to light scandals in the ranks of the clergy themselves, as was done by *Le Canada-Revue*? "Prick lightly the skin of an ecclesiastic, even in his first year," said Arthur Buies; "and the whole church puffs out, makes a great noise, and launches her thunderbolts."

That these thunderbolts are effective is due, of course, to the attitude of obedience and acquiescence which prevails among the people. But to many acts of the clergy the state has undertaken to give a legal sanction. Thus, parish priests are not supported by voluntary offerings, but by payment of the tithe which the civil courts will enforce; and churches are not built by popular subscription, but by levying a regular tax upon the freeholders of the parish and collecting it by legal process if necessary. The tithe, which has



always existed in Canada, amounts to a twenty-sixth of the harvested cereals; in some parts of the province it has been extended to include hay. In cases where it is insufficient to support the priest or where the heads of families pay no tithe at all, which applies particularly to towns and cities, it is customary to levy a kind of personal tithe known as the capitation; and apparently the courts will enforce its payment. It should also be noted that the organization of the parish and its administration are regulated by statute. There is no real separation of church and state in Quebec.

In the same way the state has legalized the ascendancy of the church in educational matters. Under the system of separate schools which was established nearly three-quarters of a century ago the control of Catholic schools has been entrusted to a committee which the bishops of the province absolutely dominate. The bishops are directly responsible, therefore, for the studies which are prescribed and for the books which are authorized. Under their hands the main purpose of the primary schools seems to be to prepare children for their first communion. "Religious instruction shall hold the principal place among the subjects of the course," the regulations say, "and shall be regularly given in every school. The catechism lessons of children preparing for their first communion shall receive special attention. When it is deemed necessary, children preparing for their first communion shall be exempted from a part of their other class exercises." As the parish priest has the right to visit the school, inspect all documents, and both choose the books and direct the teacher in all matters of religion and morals, the regulations are well enforced. In the language of a competent observer the catechism "forms the staple of the course of study, with a little of the three R's in the intervals between it and prayers." After the first communion few—of the boys at least—continue to attend school.

The inefficiency of the primary schools is patent, even appalling. "We are ready to acknowledge," says the *Montreal Witness*, "that, compared with ideal conditions, our attitude toward education is disgraceful and, further, that in these days of necessary competition with all other peoples it involves a national peril." The incompetency of the teachers may be proved sufficiently from the reports of the school inspectors. "One-half the teachers seem ignorant of the first ideas of the course of studies," we read. "There are

thirty-seven who have no diplomas and who, with few exceptions, teach only a little reading and writing as well as the catechism to the children preparing for the first communion." "There are too many persons who have no vocation for teaching and are accepted because no better ones can be got." It should be noted that 4,600 monks and nuns are teaching in the public schools without diplomas. They are exempted by statute from the necessity of securing diplomas, an exemption for which they give no guarantee of efficiency. In the primary schools where the teachers are almost entirely women the average salary of a woman teacher possessing a diploma is \$177 in the towns and \$125 in the country. A bricklayer earns in an hour twice as much as one of these teachers earns in a day.

In higher education the French-Canadians seldom go afieid from their own university, Laval, and the nineteen classical colleges which are affiliated with it. These are entirely under clerical domination. Laval, though raised to the status of a university only in the middle of the nineteenth century, can boast of a long history, beginning with the foundation of the *Petit Séminaire* in 1668. It does not belie its ecclesiastical origin. The final supervision of doctrine and discipline rests with a Superior Council composed of the archbishops and bishops of the civil province, under the presidency of the Archbishop of Quebec, who, besides being Apostolic Chancellor and Visitor, enjoys the power of veto over all rules and nominations. At the opening of the year the professors go to the archiepiscopal palace and deposit at the feet of the Visitor their oath of fidelity. Frenchmen who have come out to occupy the chairs of French literature established through the efforts of Abbé Colin, Superior of the Sulpicians in Montreal, have found their position intolerable. One, beginning his course with the nineteenth century, was forced to change to the seventeenth. There was great scandal when de Labriolle delivered a eulogy on Paul Louis Courier, and when M. Leger made references to Zola and Anatole France. In 1904, when a medical congress holding its sessions at Laval resolved that all teachers, even those in orders, ought to have a certificate of health, the vice-rector at first closed the doors against the doctors, though he was finally prevailed upon to rescind the order. The students are forbidden to make use of any library other than that of the university itself, which is certainly not calculated to undermine their morals or their orthodoxy. Laval has a branch at Montreal which



was founded in 1876 and has outgrown the mother institution, becoming practically independent.

The classical colleges are formed after a pattern taken from the old world. Children may enter at the age of seven and eventually proceed to the bachelor's degree or enter the church. Little more than forty per cent of the students are above sixteen years of age. Practically all the instructors are in orders. The students are all formed in the same mold, and subjected to a discipline that too often breaks their spirit and initiative. Their education is classical, even to the point of having classes conducted in Latin. Modern literature and modern philosophy are eschewed.

Already criticism, insistent criticism, is being directed against these homes of obscurantism, not only by radical reformers, but also by men whose temperament is conservative and whose attachment to the church still survives. Their assault on the school system is fundamental. It is in the schools that the clergy take hold of the young and mold them to obedience. They exercise almost complete control; prescribing the studies, authorizing the books, and bringing to bear upon the students influences which are calculated to leave a permanent impress. In fact, the schools of Quebec develop loyalty to the church in the same way that the schools of other countries develop loyalty to the state. The radicals, who wish to break the spell of clerical ascendancy over the people, aim more immediately at modernizing the schools and relieving the French-Canadians of the handicap of inferior education. Hence the agitation for a Minister of Education, in the place of the bishops, and for free and obligatory instruction. "It is indisputably established," said the clerical organ *La Verité*, "that obligatory instruction is preached by the Freemasons especially, and that the countries which have allowed this measure to be imposed on them have demonstrated its failure. . . . It is by means of obligatory instruction above all that the adversaries of religious instruction hope to take the child from paternal authority and the salutary influence of the church, in order to throw him into the arms of the state." It must be admitted that "the salutary influence of the church" is the chief point of attack. That salutary influence, far from taking the lead in effecting necessary reforms, has thrown its mantle about the schools and made criticism a sacrilege. It is dangerous to criticise or even to suggest improvements; and so a growing number of radi-

cals believe that the schools must be laicized before they can be made efficient.

It is in Montreal, where Protestant and Catholic schools stand side by side inviting comparison and where competition in commerce and industry makes the French feel the inadequacy of their training, that the reform movement has gathered most headway. The Board of School Commissioners, though the ecclesiastical members dissented, established a short while ago practical freedom of instruction and uniformity of books. Previously the religious orders had made some profit, *ad maiorem dei gloriam*, as *Le Pays* remarked irreverently, by getting authorization for the books which they printed and sold without any taxation by the state. But the great victory of the radical programme, apparently the first step in a revolution, was the founding of the *Ecole des Hautes Etudes Commerciales* in 1908. It is true that an Abbé of the church blessed the corner-stone; but the ceremony was strangely free from the usual clerical tone, and the school itself is entirely under lay control. The members of the governing corporation are nominated by the French-Canadian Chamber of Commerce and appointed by the Lieutenant-Governor.

The significance of this will appear best from the comments of the clerical papers. Said *La Verité*: "We see in the constitution of the *Ecole des Hautes Etudes* that the representatives of religious authority have been completely overlooked. They have been excluded from an institution in which, however, they ought to have a voice in certain branches of the prescribed programme of studies. There is an unfortunate tendency to exaggerate the rights of the state in education to the detriment of the rights of the church." What "the rights of the state" are may be gathered from the declaration of the Superintendent of Public Instruction that the sole right of the state in matters of education is to furnish the funds. "Before sending their children to this school," said *L'Action Sociale*, "Catholics will wish to assure themselves that its atmosphere is not deleterious. If the atmosphere is poisoned with neutrality, parents and children will go elsewhere. . . . The church has the right to complain if she and all religion are excluded positively from an establishment where neither the director nor the professors admit her influence and her authority."

In still another direction the authority of the church has been clothed with legal sanction. In their interpretation of the Civil



Code of the province the courts have long recognized her full pretensions in the regulation of the marriage tie. Down to the year 1901 it seemed thoroughly established that, in deciding on the validity of an alleged marriage between two Catholics, the courts should be guided by the decision of the competent ecclesiastical tribunal and reserve to themselves only the right of pronouncing as to the civil effects,—marriage portion, right of succession, etc. In that year, however, the case of *Delpit v. Côté* came before the Superior Court. The parties, though both Catholic, had been married before a Unitarian minister in Montreal. The plaintiff, claiming that, in accordance with ecclesiastical rules, the marriage should have been celebrated in a Catholic church and before the proper priest of one of the parties, secured a decree of nullity from the Archbishop. He then demanded, and in the light of precedent had every right to expect, annulment by the court as to the civil effects. The court took a very different view, a view which was received with consternation by the clergy. It held that "the marriage upon a license of two Roman Catholics by a Protestant minister is not illegal as having been solemnized by an incompetent official." This decision was rendered by Judge Archibald, an English judge. But although a French judge rendered a contrary judgment on a similar point a month and a half later, it seems from a very recent decision that through the force of its argument and its reliance on broad principles of law that *Delpit v. Côté* will leave its impress upon the jurisprudence of the future. The slowly-developing spirit of anti-clericalism has begun to make itself felt upon the bench.

Anti-clerical sentiment is growing in Quebec. Excessive pretensions, intemperate craving for power, the determination of the clergy to make their will dominant where modern practice allows freedom of choice to the individual—these things have raised up enemies. "If the chiefs of the church heard the talk to which these abuses give rise," wrote Senator David, "if they knew what good Catholics and irreproachable parents are repeating freely, they would be frightened. Unhappily the truth reaches them with difficulty, through the smoke of the incense which envelops them; respect and fear of displeasing them or giving them **pain** too often close the mouths of the worthy men who surround them. . . . The danger which menaces the influence of the clergy and of religion itself is great, serious, incontestable." French-Canadians

are beginning to wonder if clerical dictatorship has not become an anachronism; if the large powers which were entrusted to the church at a time when the very existence of the nationality was in peril should not be recalled now that the circumstances have changed. To-day their danger is mainly economic; and the church has shown no disposition to meet the danger by raising the standard of education and giving it the practical character which would prepare the students for industrial or commercial careers. [She is too much concerned with the preservation of her powers and with the enforcement of obedience at the expense of individual initiative and self-reliance. She is not disposed to lay down her dictatorship like a Garibaldi or a Cincinnatus. The result is that the French-Canadian Freemasons, converted by missionaries from France and possessed of all the conviction of early Christians, are meeting secretly in the catacombs to plot her destruction.]



## CANADIANS IN THE UNITED STATES<sup>1</sup>

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It was the French Canadian *coureurs de bois* who opened up the western trade routes from Hudson's Bay to Louisiana. That was two centuries ago, before the United States was yet a dream of the future. These French Canadians laid the first foundations of a line of great cities, among which may be named Detroit, Sault Ste. Marie, Chicago, St. Paul, Pittsburgh and New Orleans. That early chapter is, however, long since closed, except for the faint traces of race one still notices occasionally on the Mississippi. As regards population, the United States more than repaid the debt after the peace of 1783, when United Empire Loyalists founded Upper Canada and New Brunswick and settled the eastern townships of Quebec. For the subject in hand we come down to much closer years, of which we have more or less exact information, and need not run our eye further back than a few years before British North America became the Dominion of Canada. But both the earlier and the later ends of this great story of interchange of population between the two countries, still await the historian's pen.

To put results bluntly, during the second half of last century at least 1,800,000 Canadians moved across the border into the United States. The exodus stands as one of the notable facts in Canada's history. For a time it dismayed a large section of the Canadian people and brought them almost to despair of a political future. But that chapter is closed. Canada is now attracting population alike from Europe and the United States, and is progressing so rapidly that its growth has come to be one of the outstanding events in the recent history of the new world. Accordingly it will be of interest to look back and review briefly the great Canadian exodus, the localities the emigrants have selected for their new homes, the occupations they are following, and their intermarriage with citizens of the United States.

<sup>1</sup> This paper, here revised and reprinted, first appeared in the *Political Science Quarterly* in 1906, vol. xxi.—EDITOR.

The whole topic of the movement of populations—local as well as international—is indeed instructive, for it tells the life-story of a people. It is an epitome of conditions. In a measure migrations reflect the course of affairs at home and at times relations between countries as well. Not infrequently they result from mistaken notions or imperfect knowledge, but wholly blind are they rarely; and whatever their causes, they offer much to interest and to instruct. Modern migrations appear to differ from those of earlier centuries. In ancient times whole peoples, entire tribes, pushed and pressed from east to west in search of fresh lands. Such was the origin of nationalities in Europe. Later on, in the middle ages, when life had become more settled, only particular classes wandered widely, such as knights on crusades or on chivalrous errands, journeymen craftsmen, jugglers, minstrels and merchants. At present, if there be any rule, it is that, irrespective of class, migrations have come to be a matter of private concern. We see individuals and single families changing their homes. A great variety of motives are operative; but through them all runs one common characteristic—the desire to secure a better market for abilities. The nation of origin loses a certain amount of energy which would have been spent in developing its resources; the individual gains what he regards as a better chance.

Levasseur, the French geographer and economist, has attempted to formulate a law of migration. He points out that, as in the world of matter, the bigger the mass the greater the force of attraction, which is only another way of saying that people flock to the cities and generally seek out the largest market for their labor. This law, if law it may be called, must be stated guardedly, since, for example, a densely populated country may more often repel than attract. It will suffice perhaps simply to say that migration is the attempt to adjust population to opportunity—a process of adaptation, a phase of industrialism.

Geographical influences on shiftings of population must not be lost sight of. Climate counts. Though the point has not yet been argued, there is much to support the view that, apart from economic considerations, northern peoples tend to be more mobile than southern. Not that winter drives the northerner into exile. To one enjoying a fair measure of health, few delights are keener than the feelings of exhilaration and the sports of a northern, let us say



of an average Canadian winter. The tingling climate and the stimulating procession of the seasons arouse one into habits of vigorous action. As for Canadians, there is a sprinkling on every continent. For instance in England and Wales there are nearly 19,000; in Australia over 3,000; nearly 1,500 in New Zealand, and in Alaska 2,000 more.

The migration of Canadians to the more developed market of the United States is of two kinds, temporary and permanent, the one shading imperceptibly into the other. With the coming of settled industrial conditions in the republic temporary migration fell away sharply; but in spite of "alien labor" laws they are still important along the border and in such centers as New York, Boston, Pittsburgh, Chicago and San Francisco.

In 1900 there were 10,356,644 foreigners who had become domiciled in the United States. Of these 1,181,255, or 11.4 per cent, were Canadian-born. Out of this number 785,958 were English, and 395,297 were French Canadians. By "Canadian" the census always means "born either in Canada or Newfoundland" although Newfoundland is not yet part of the Dominion. In estimating the number of Canadians we must take it into account that many British-born Canadians, after living in Canada for a number of years, have moved south and have been enumerated there as British, not as Canadians. One may hazard the estimate that their number is one-eighth of that of the Canadian-born English-speaking immigrants, *i. e.*, 100,000. With 450,000 children born in the United States of these Canadian parents the total thus becomes 1,731,000; 995,000 (57 per cent) being English Canadians, and 736,000 (43 per cent) French Canadians.<sup>2</sup> There is still another group of 813,350 who have one Canadian-born parent. But in fairness these cannot be called Canadians and may therefore be left out of count. An allowance, however, will have to be made for the many other Canadians by birth, who, report has it, prefer to report themselves as British and are so enumerated. They bring the grand total up to at least 1,800,000 Canadians at present living in the United States, that is one-third of the population of the Dominion as it stood in 1901.<sup>3</sup>

<sup>2</sup>To allow a contrast with these percentages it is to be noted that in Canada the French Canadians form 30.7 per cent of the total population.

<sup>3</sup>If we include those with one Canadian parent the sum total would be upwards of 2,600,000, one million of these being "French," the balance "English" Canadians.

But how may one estimate the number of those who have emigrated to the United States between 1850 and 1900? The census gives a return showing the decennial increase in the number of foreigners. We may assume the average age of the Canadian immigrants to be twenty-five years. Using then an ordinary mortality table we may calculate the number of those from each decennial increase who should be living to-day:

Decade	Canadian Emigrants to U. S., according to U. S. Census	Alive 1900, according to Mortality Table
1850-60.....	102,000	41,786
1860-70.....	243,000	153,710
1870-80.....	224,000	175,054
1880-90.....	264,000	233,426
1890-00.....	200,000	193,132
Total.....	1,033,000	797,108

These figures mean that an immigration of 1,033,000 persons yields a present population of 797,108. The problem is to know how many are necessary to produce the present population of 1,800,000, less their 450,000 children. This number we find to be 1,750,000. Adding the 450,000 children the grand total loss of population to Canada is found to be 2,200,000 for the half century, one and three-quarters or more millions being lost directly, the balance through immediate natural increase. Of the 2,200,000 the English compose approximately 1,200,000, the French approximately 1,000,000.

Every adult costs his native country at least \$1,000 to nourish and educate. So, after making allowance for the 100,000 of British birth and education, Canada may be said to have invested in the American Republic living capital assessable at \$1,650,000,000—a sufficiently severe drain on a young nation! This enormous loss Canada has withstood, although at the same time it has been steadily carrying on extensive public works. It makes one marvel at the recuperative power of young fertile countries. The loss amounts to half Mr. Giffen's estimate of the crushing burden placed on France by the Franco-Prussian war. There is a contra account, of course, for United States emigration into Canada. The Canadian census



of 1901 places their number at 127,899. At \$1,000 per head this means \$128,000,000, or, with an additional allowance of one-third for the years back to 1850, \$170,000,000, which is about 10 per cent of Canada's loss.

Canadian emigration to the United States has been remarkably constant. The United States census records periodical increases for the previous ten years of 102,259 in 1860; of 243,494 in 1870; of 223,693 in 1880; of 263,781 in 1890, and of 200,317 in 1900. The largest exodus from Canada seems to have occurred therefore during the ten years 1880-90, or perhaps more precisely 1875-85. The steady flow has resulted in Canadians constituting a growing percentage of the whole body of foreigners in the United States. In 1850 they formed 6.6 per cent of all foreigners; in 1860, 6 per cent; in 1870, 8.9 per cent; in 1880, 10.7 per cent; in 1890, 10.6 per cent, and in 1900, 11.4 per cent. The increase, as the following table shows, is paralleled by the Scandinavians alone. Between 1850 and 1900 the percentage of Germans amongst the foreign-born fell slightly—from 26 to 25.8 per cent; of Irish, from 42.8 to 15.6 per cent; of British, from 16.8 to 11.3 per cent; but the percentage of Scandinavians jumped from .9 to 10.3 per cent; and that of Canadians from 6.06 to 11.04 per cent. The relative increase of Canadians, even between 1890 and 1900, is marked, as the following table shows:

CANADIANS IN THE UNITED STATES, 1890-1900

	1890	1900	Increase from 1890-1900	Per Cent In crease
English Canadians.....	678,442	785,958	107,516	15.8
French Canadians.....	302,496	395,297	92,801	30.7
Total.....	980,938	1,181,255	200,317	20.4
Swedes (next highest).....	478,041	573,040	94,999	19.7
Foreigners generally.....	9,249,547	10,356,644	1,107,097	12.0

The United States immigration statistics give only 3,064 Canadians as settling in that country between 1891-1900; but the census returns show these figures to be entirely astray. In fact the insuperable difficulties in the way of counting people who enter the States by way of Canada make the United States annual returns of Cana-

dian immigrants unreliable, and of late years the attempt to compile them has been abandoned. The official immigration figures may be worth giving, however, for purpose of comparison with other nationalities.

## IMMIGRANTS TO THE UNITED STATES

	1821-1900	Per Cent	1891-1900	Per Cent	1881-1890	Per Cent
Aggregate.....	19,115,221	100.0	3,687,564	100.0	5,246,613	100.0
Canada & Newf'l'd	1,049,939	...	3,064	.1	392,802	7.5
Ireland.....	3,871,253	...	390,179	10.6	655,482	12.5
Great Britain.....	3,024,222	...	270,019	7.3	807,357	15.4
Germany.....	5,009,280	...	505,152	13.7	1,452,970	27.7
	1871-1880	Per Cent	1861-1870	Per Cent	1851-1860	Per Cent
Aggregate.....	2,812,191	100.0	2,314,824	100.0	2,598,214	100.0
Canada & Newf'l'd	383,269	13.6	153,871	6.7	59,309	2.3
Ireland.....	436,871	15.5	435,778	18.8	914,119	35.2
Great Britain.....	548,043	19.5	606,896	26.2	423,974	16.3
Germany.....	718,182	25.6	787,468	34.0	851,667	36.6

*General Distribution of the Canadians*

And now as to the localities chosen by Canadians for their new home. Of the English Canadians 88 per cent are divided equally between the North Atlantic and the North Central states, 10 per cent are in the West, 2 per cent in the South. The North Atlantic section will include a large number of "Blue Noses" (Nova Scotians and Brunswickers); though, as the "wise old Nova Scotian owl" *Tramp Abroad* hints, there is many a Nova Scotian miner in the mining camps of the West. Of the French Canadians 77 per cent live along the Atlantic, nearly three-fourths of these being found in seven cities, Manchester, N. H., Fall River, Holyoke, Lowell, New Bedford, Worcester and Lawrence, Mass. Upwards of 20 per cent are in the North Central regions, less than 3 per cent in the West and less than 1 per cent in the South. The small percentage of Canadians in the Southern states (2 per cent of the English, 1 per cent of the French), hardly does justice to the cordiality between Southerners and Canadians which is dated from the time of the civil war.

It is to be remembered that, if regard is had to British Canadians



and children of immigrant Canadians, the numbers in each of these divisions may probably be safely increased one-half.

Division and State	English Canadians	French Canadians	Total
<b>NORTH ATLANTIC STATES</b> .....	345,342	305,160	650,502
Massachusetts.....	158,753	134,416	293,169
New York.....	90,336	27,199	117,535
Maine.....	36,169	30,908	67,077
Vermont.....	10,616	14,924	25,540
Pennsylvania.....	13,292	1,468	14,760
<b>SOUTH ATLANTIC STATES</b> .....	6,284	636	6,920
Florida.....	1,014	88	1,102
Maryland.....	1,143	87	1,230
Virginia.....	1,026	104	1,130
<b>NORTH CENTRAL STATES</b> .....	345,304	77,019	422,323
Michigan.....	151,915	32,483	184,398
Illinois.....	41,466	9,129	50,595
Ohio.....	19,864	2,903	22,767
North Dakota.....	25,004	3,162	28,166
South Dakota.....	5,906	1,138	7,044
Minnesota.....	35,515	12,063	47,578
Wisconsin.....	23,860	10,091	33,951
Kansas.....	7,053	1,485	8,538
<b>SOUTH CENTRAL STATES</b> .....	8,802	1,460	10,262
Texas.....	2,549	400	2,949
Oklahoma.....	1,248	179	1,427
Kentucky.....	1,072	136	1,208
Louisiana.....	781	253	1,034
Arkansas.....	932	161	1,093
<b>WESTERN STATES</b> .....	79,098	10,791	89,800
California.....	27,408	2,410	29,818
Washington.....	18,385	1,899	20,284
Montana.....	10,310	3,516	13,826
Colorado.....	8,837	960	9,797
Oregon.....	6,634	874	7,508
Idaho.....	2,528	395	2,923
Utah.....	1,203	128	1,331

*Canadians in United States Cities in 1900*

It is usually taken for granted that most Canadians go to the great commercial centers. The reverse is the case. Over half are to be found in the country and in the smaller towns. Only 40 per cent of the English and 37.7 per cent of the French Canadians live in the 160 largest cities, that is in cities with 25,000 or more population. I give here a selection of cities that have the largest Canadian constituencies. But, as already pointed out, the British

Canadian and pure Canadian stock would probably raise the number in each city fifty per cent.

City of Residence, 1900	English Canadians		French Canadians		Total Number of Canadians	Estimated Num- ber of Pure Canadian Stock
	Number	Being per cent of Foreigners	Number	Being per cent of Foreigners		
Boston.....	47,374	24.0	2,908	1.5	50,282	65,000
Cambridge.....	9,613	31.5	1,483	4.9	11,096	16,000
Chicago.....	29,472	5.0	5,307	.9	34,779	55,000
Detroit.....	25,403	26.3	3,541	3.7	28,944	45,000
Buffalo.....	16,509	15.8	733	.7	17,242	30,000
New York.....	19,399	1.5	2,527	.2	21,926	38,000
Jersey City.....	907	1.6	134	.2	1,041	1,500
Newark.....	802	1.1	160	.2	962	1,300
Paterson.....	385	1.0	174	.5	559	800
Cleveland.....	7,839	6.3	772	.6	8,611	13,000
Philadelphia.....	2,989	1.0	294	.1	3,283	5,000
Cincinnati.....	928	1.6	103	.2	1,031	1,500
Rochester.....	7,746	19.0	553	1.4	8,299	12,000
Lowell.....	4,485	11.0	14,674	35.8	19,159	30,000
Worcester.....	3,163	8.4	5,204	13.8	8,367	12,000
Fall River.....	2,329	4.6	20,172	40.3	22,501	33,000
Providence.....	3,882	6.9	3,850	6.9	7,732	11,000
New Haven.....	754	2.4	416	1.3	1,170	1,700
Minneapolis.....	5,637	9.2	1,706	2.8	7,343	11,000
St. Paul.....	3,557	7.6	1,015	2.2	4,572	6,800
Milwaukee.....	1,687	1.9	217	.2	1,904	2,800
St. Louis.....	2,151	1.9	339	.3	2,490	3,600
Pittsburgh.....	994	1.2	79	.1	1,073	1,500
Washington, D. C.....	809	4.0	97	.5	906	1,300
New Orleans.....	310	1.0	85	.3	385	600
Louisville.....	365	1.7	45	.2	410	600
San Francisco.....	4,770	4.1	429	.4	5,199	8,000

The proportion of farmers among the Canadians in the United States is shown by the following figures. Briefly upwards of one-fourth of the English Canadians and one-sixth of the French Canadians live on farms. The census accounts for 367,170 Canadian families, 207,580 being English and 159,590 French. Twenty-four per cent of the one, and 16 per cent of the other live on farms. It is a remarkable fact that such a large percentage lead a rural life when



one considers that Canada is itself so largely an agricultural country. On the whole, if we contrast the two Canadian races, there are proportionately more French Canadians in the smaller towns, and proportionately more English Canadians carrying on farming or living in the large cities.

### *The Occupations of Canadians*

A comparison of the occupations of Canadians in the United States and in Canada, brings home the significance of the migration and sets it in a new light. The United States census takes note of 819,264 Canadians ten years of age or over. Forty per cent follow manufacturing; 30 per cent personal service; between 17 and 18 per cent trade and transportation; about the same percentage agriculture; and somewhat over 4 per cent professions. The last percentage is approximately the same as for the native-born white population in the United States. The large numbers in any one occupation compared with the number left behind, as shown in the adjoined table, throw light on conditions in Canada; for example, the number of expatriated Canadian teachers and college professors, lawyers and clergymen. Curious is the number of Canadians as government officials, soldiers and marines, as is also the great number of Canadian girls of a superior class who have gone to the United States as nurses. Rumor has it that many of these are enumerated as Americans "from northern New York" for which one might venture to say there is geographically a show of reason!

Of the 300,000 Canadians engaged in business or following professional pursuits in the United States many hold prominent posts. Indeed one hears at times the statement that the English Canadians enjoy an exceptionally high reputation. Some reasons occur why this should be the case, and, without suggesting comparison, why the average English Canadian in the United States is a good type. (1) Those who go to seek their fortune in a foreign country are presumably hardy and ambitious, the result of a process of natural selection. (2) They have been bred under invigorating climatic influences. (3) They find a wider market for their abilities. (4) They are in a country where traditionally greater responsibility is placed on young shoulders than has been usual in Canada down

PERSONS TEN YEARS OF AGE OR OVER WITH ONE PARENT OR WITH BOTH PARENTS CANADIAN BORN<sup>4</sup>

INDUSTRIAL BRANCH	ENGLISH CANADIANS		FRENCH CANADIANS		Total	Per Cent	Number having same Occupation in Canada in 1891 <sup>5</sup>	Number of Employees Engaged in Industry in Canada, 1901
	Males	Females	Males	Females				
<b>AGRICULTURE</b> .....	97,645	2,306	44,267	793	145,011	17.7	790,210	.....
Lumbermen and raftsmen.....	5,223	5	2,842	2	8,072	.....	12,319	.....
<b>MANUFACTURING AND MECHANICAL ARTS</b> ..	114,518	30,166	130,381	58,749	333,814	40.7	320,001	369,595
Miners and quarrymen.....	5,090	1	2,521	1	77,613	.....	15,168	.....
Fishermen and oystermen.....	2,761	14	924	3	3,702	.....	.....	.....
Boot and shoemakers and repairs..	4,757	2,085	9,076	2,643	18,561	.....	15,816	18,041
Saw and planing-mill employees....	4,489	6	4,904	9	9,408	.....	13,338	53,042
Paper and pulp mill operatives.....	1,378	261	2,272	581	4,492	.....	690	2,817
Printers, lithographers and pressmen..	3,348	648	996	144	5,136	.....	.....	.....
Textile trades.....	4,270	5,101	43,378	41,509	94,258	.....	.....	.....
Cotton mill operatives.....	1,511	1,602	30,147	29,331	33,191	.....	6,053	8,502
Hosiery and knitting-mill operatives..	259	884	1,148	2,416	4,707	.....	946	2,162
Silk mill operatives.....	109	322	403	844	1,678	.....	121	322
Woolen mill operatives.....	1,051	1,015	4,693	3,440	10,199	.....	4,241	7,182
Carpet factory operatives.....	73	83	145	111	412	.....	.....	915
Bleachery and dye works.....	225	30	860	65	1,180	.....	.....	.....
Other textile branches.....	1,042	1,165	5,982	5,302	13,491	.....	.....	.....
<b>DOMESTIC AND PERSONAL SERVICE</b> .....	56,912	41,461	49,549	12,970	160,892	19.6	246,183	.....
Nurses and midwives.....	479	5,003	57	579	6,118	.....	2,157	.....
Soldiers, sailors and marines (U. S.)..	2,902	.....	802	.....	3,714	.....	.....	.....
Hotel-keepers.....	923	149	520	50	1,642	}	.....	.....
Saloon-keepers.....	993	13	1,134	12	2,152		6,818	.....



PERSONS TEN YEARS OF AGE OR OVER WITH ONE PARENT OR WITH BOTH PARENTS CANADIAN BORN—*Concluded*

INDUSTRIAL BRANCH	ENGLISH CANADIANS		FRENCH CANADIANS		Total	Per Cen	Number having same Occupation in 1891 <sup>1</sup>	Number of Employees Engaged in Indicated Occupations in Canada, 1901
	Males	Females	Males	Females				
Bartenders.....	1,316	8	1,203	6	2,533	.....	1,553	
Restaurant-keepers.....	532	116	239	38	925	.....	693	
TRADE AND TRANSPORTATION.....	87,691	15,972	36,711	4,233	144,607	17.6	186,695	
Bankers and brokers.....	990	6	265	1	1,262	.....	923	
Officials of banks and companies.....	1,604	32	256	6	1,898	.....	913	
Boatmen and sailors.....	2,890	4	946	.....	3,840	.....	.....	
Wholesale merchants.....	680	4	216	.....	900	.....	.....	
Steam railway employees.....	10,271	32	5,443	7	15,753	.....	1,712	
PROFESSIONS.....	16,735	12,353	3,614	2,238	34,940	4.2	116,266	
Teachers and college professors.....	1,784	9,210	295	1,641	12,930	.....	22,183	
Music teachers.....	610	1,573	282	355	2,820	.....	3,325	
Literary and scientific people.....	289	162	58	19	528	.....	279	
Artists and teachers of art.....	272	341	64	47	724	.....	953	
Actors and professional showmen.....	733	251	224	50	1,258	.....	.....	
Government officials.....	1,248	177	267	32	1,724	.....	441	
Physicians and surgeons.....	2,880	246	725	42	3,893	.....	4,448	
Lawyers.....	1,630	27	233	1	1,891	.....	4,332	
Dentists.....	1,038	30	141	5	1,214	.....	753	
Journalists.....	606	74	95	6	781	.....	786	
Civil engineers and surveyors.....	1,040	2	151	.....	1,191	.....	2,856	
Electricians.....	1,621	10	364	5	2,000	.....	567	
Clergymen.....	1,829	126	497	12	2,464	.....	7,164	
Architects, designers and draftsmen...	676	27	147	9	858	.....	843	

<sup>1</sup> The census does not give figures on those having both parents Canadian born.<sup>2</sup> The 1901 census figures on occupations are not yet completely compiled. They will, of course, show considerable change.

to recent years. (5) Race and language are in their favor, especially in the West. (6) They have had the benefits of a good common school and, in special cases, of a thorough collegiate education. (7) Coming from a more agricultural country they may be expected to be healthy and thrifty. (8) In old Canada religious influences are strong. (9) Finally it is just possible that the comparative absence down to quite recently of the marked influence of corporate organization of business in Canada has instilled into the Canadian youth a lively sense of personal responsibility.

*Who's Who in America* mentions 245 Canadians. To this number we would have to add the allowance already made of one-eighth for those born in Great Britain but brought up in, and therefore rightly to be credited to Canada. This would make the number of Canadians according to the standards of this publication 276 or 2.3 for every 10,000 Canadians in the United States. This compares favorably with the British rate of 2.2 per 10,000, 2.1 for the Dutch, .5 for Swedes and .9 for native Americans (black and white) or 1.9 for native white Americans. The record made by the Canadians seems particularly notable when it is remembered that nearly 60 per cent (58.4 per cent of the French Canadians and 56.5 per cent of the English Canadians) are under twenty-one years of age as against 10 per cent for all foreign-born and 52 per cent for all native-born. The railway magnate of the West is a Canadian, as was the late Erastus Wiman. Edison received his first schooling in telegraphy in Ontario. The inventor of the Bell telephone also lived a while in the same province, lecturing for two years at Queen's University; and the first Atlantic cable was promoted in the United States by a Nova Scotian. Canadians preside over two of the foremost American universities; while Harvard and many other seats of learning have a goodly array of Canadian talent in their faculties. Professor Osler who left Baltimore to grace the chair of medicine in Oxford is a Canadian, as is also his successor. At least one of the great national banks of the United States has a Canadian president; and a number of prominent banking and financial houses have Canadian vice-presidents, cashiers and other officials. A full list of distinguished Canadians in the United States would indeed have to include also littérateurs, clergymen, actors, members of Congress and even one diplomatic representative of the Republic.



*The Intermarriage of Canadians and Americans*

The marriages of Canadian immigrants show interesting variations. Most of the English-speaking Canadians "cross the line" unmarried and after establishing themselves take wives from among their new acquaintances. The majority of the French Canadians migrate after marrying or marry one of their own race in the United States. This is evident from the fact that three-fourths of the 812,350 children one of whose parents is a Canadian have English Canadian parents. Grouping all Canadians of the present generation together, 48.1 per cent have married in the United States. This is a large proportion compared with other nationalities. For example, only 36 per cent of the English marry in the United States; 36 per cent of the French and 32 per cent of the Scotch. The Canadians, in the great majority of instances when they do not marry native Americans, marry people of British extraction. The actual intermarriage of the 135,521 Canadian men was as follows:

MARRIAGE OF CANADIAN MEN IN UNITED STATES WITH WOMEN OF FOREIGN BIRTH

Nationality of Women	Number of Men	Per Cent
Irish.....	49,213	71
English.....	30,630	
Scotch.....	15,718	
Welsh.....	1,099	
Canadian.....	15,488	11½
German.....	11,569	9
Scandinavian.....	3,958	9
French.....	3,246	2½
Swiss.....	708	3
Russians, Bohemians and Poles.....	637	
Austro-Hungarian.....	302	
Italian.....	119	
Others.....	2,834	

It is worth noting that in 1900 as many as 90.8 per cent of the English Canadians had become naturalized and 84 per cent of the French Canadians. A student of the French Canadians in New England,<sup>6</sup> writing in 1898, comes to the conclusion that the French

<sup>6</sup> Wm. MacDonald "The French Canadians in New England," *Quarterly Journal of Economics*, vol. xii. See also Rev. E. Hamon's "Les Canadiens-Francais de la Nouvelle-Angleterre" (Quebec, 1891), and "Growth of the French Canadian Race in America," by Professor John Davidson in *THE ANNALS of American Academy of Political and Social Science* (1896).

Canadians in New England are gradually losing their identity and coalescing with other nationalities, especially the Irish. I have myself heard French Canadians say they were ashamed to speak French in their United States home. The birth-rate among them is lower than in Quebec; child mortality, especially up to five years, remains high; immigration has greatly declined and solicited immigration has ceased altogether. The influence of industrial life and of free public schools is doing the rest. The comparative youthfulness of the Canadians, already referred to, is here of moment.

A word as to the effect of all this emigration on Canada's population. During the half century Canada made up one and one-quarter millions of her loss by settlers crossing the water from Great Britain. This and other European immigration together with her natural increase have enabled Canada to show a slight advance in population from decade to decade.

The meager growth has given rise to assertions of a declining birth-rate in some of the older provinces. During the last few decades later marriages and a slightly lower birth-rate are in evidence both in Europe and in America. Agricultural sections especially have lost in population on account of the introduction of machinery. The constituents of the rural population have changed: there are now relatively more children and old folk than formerly, fewer of middle age, those in the prime of life being drawn into the great stream of people migrating to the cities, and in Canada to the new West or to the United States. This is largely the situation in Ontario and in "the provinces down by the sea." That there are now not so many births in proportion to the whole population is in itself natural. But available returns do not allow one to speak of an unusual decline in the birth rate in relation to the people of marriageable age. The assertion of a lower birth rate can accordingly be little more than surmise. Yet it is doubtless true that families are smaller than formerly. Speaking of Ontario one can even notice that families are smaller in the old settled parts than in northern or "New" Ontario. The result is that for many years Ontario, as well as the maritime provinces little more than held their own in population. This is evident from the following table. This does not hold for Quebec province, where families with fifteen to twenty-five children are not uncommon and where the population has gone on doubling itself since 1680 on the average every thirty



years, elbowing out moreover the comparatively few English residents from the country parts.<sup>7</sup>

The relations between Canada and the United States have been in some points not unlike those between Scotland and England. There is the great difference, however, that Canada has a back country with a varied wealth of natural resources which is now attracting a larger population and creating a wider home-market for men and goods. And in spite of the heavy net losses of population in the past, there is probably no part of the world

POPULATION OF CANADA BY PROVINCES

Province	1871	1881	1901	1911
Ontario.....	1,620,351	1,923,228	2,182,947	2,523,274
Quebec.....	1,191,516	1,359,027	1,648,898	2,002,712
Nova Scotia.....	387,800	440,572	459,574	492,338
New Brunswick.....	285,594	321,233	331,120	351,889
Prince Edward Island.....	94,021	108,891	103,259	93,728
Manitoba.....	25,228	62,260	255,211	455,614
Territories.....	48,000	56,446	211,649	892,808 <sup>8</sup>
British Columbia.....	36,427	49,454	178,657	392,480
Total.....	3,688,937	4,321,111	5,371,315	7,204,843

where the average comfort is so high, and where since 1900 a rapid progress in agriculture, industry and population is so evident as in "The Great Dominion." During the five years ending with July, 1905, upwards of 550,000 people are reported to have settled here. One hundred and eighty-two thousand of these have come from the United States, 60 to 75 per cent of whom are said to be returning Canadians. The immediate future promises even more impressive results. While the emigration of Canadians to-day appears to be still not unimportant the northward trekking of settlers into Canada has assumed large proportions. American capital is also showing more and more interest in Canadian industry. I refrain from giving further figures as the published statistics on emigration and immigration appear to me unreliable.

<sup>7</sup> Professor Davidson, in his article already cited, finds that the French Canadians have been doubling since 1763 every twenty-seven years.

<sup>8</sup> Made up of the two new provinces of Alberta with 374,663, Saskatchewan with 92,434, Yukon Territory with 8,512, and the unorganized Northwest Territory with 17,196.

The effect of all this interchange of blood and capital one can only say lies hidden in the mists of the future. This much may be ventured, however: the presence of many Canadians in the United States and of Americans in the Dominion is as a pledge of amity and peace, a pledge of all the greater value in North America, where, unlike Europe, two great nations practically divide the continent, and where for this very reason it is conceivable that in moments of popular excitement these nations might forget that even a selfish national policy is not necessarily hostile in intent. It is well, too, in the interests of the *pax americana* that both countries are finding responsibilities beyond their continent, though with his theory of the "manifest destiny" of Canada, the late Mr. Goldwin Smith was of another mind. As for the United States, it is changing from an American republic to an empire with a world-wide outlook. Canada also is passing on from the stage of self-contemplation to the prospect of imperial interests.



## CANADA AND THE CHINESE: A COMPARISON WITH THE UNITED STATES

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Canada, although a dependency of the British Empire, has been wisely left alone by the mother country to work out her own destinies and to solve her own difficulties in whatever manner she may determine. Through that unrivaled system of colonial government, the most successful the world has ever seen, England has granted the Dominion practical independence with but passive adherence to a superior sovereignty, and the result of this policy of confederation has been the expansion of our neighbor of the north into the Greater Canada of to-day, sharing with us an active participation in the economic problems peculiar to North America in its relations with the Old World.

For over a century the industries, trade and commerce of Canada were what might almost be expressed as the "short and simple annals of the poor." The popular fallacy the world over was that the Dominion consisted of a vast region of ice and snow, relieved only by a narrow strip of fertile territory bordering on the United States. To the average uninquisitive reader the names of Alberta, Saskatchewan and British Columbia induced a mental picture identical with the climatic and topographical conditions of Labrador, Alaska and Greenland. Canada was looked upon as the Siberia of the Western Hemisphere, and, like Siberia, according to the same unreasoning fancy, was arbitrarily condemned in the popular imagination as a barren waste, unproductive, undesirable, its greatest value lying in increasing the aggregate number of square miles comprising the British Empire to an astonishing total.

Until a comparatively recent date the possibilities of Canada were unknown to the world, being overshadowed by the unprecedented growth and prosperity of the United States, but with international rivalries dominating trade and commerce, with the scramble of the great Powers for the last few acres of unclaimed land, and with the intensive development of colonies and dependencies already in pos-

session, Canada has at last deservedly come to her own. The history of Canada for the last thirty years reads like a reflex American movement. It is punctuated throughout by the same steady growth, the kind that never declines, the same railroad activities, the same beginnings of manufacture, the same problems of pushing the frontier further west or further north as has been the history of the United States up to the last half century.

However, with the development of her immense potentialities, it did not take Canada long to discover that progress, however natural and continuous, has its attendant difficulties. Of these the race question is by far the most fragile to handle and the most puzzling to solve, of undue importance politically because of the complications ensuing in foreign relations, and serious sociologically because of the influences, sometimes uplifting, more often retarding, upon national characteristics. While Canada was in her pristine stages of development she was spared this vexatious problem which has proved so damaging to the United States, but with her consequent economic advance it was inevitable that sooner or later races other than Caucasian would be attracted to her shores to participate in the material advantages which prosperity in a new country invariably offers to old civilizations.

Like our own country Canada faces, Janus-like, the Occident and the Orient, and similarly the waves of exploitation and settlement flowed from east to west. Thus, with one coastline extending along the Pacific, opposite the most populous area of the earth's surface, it was but natural that as soon as Canada's advantages became known to the world, the races of the Far East would find here a strong incentive for immigration in the desire, alike in all peoples, of bettering their economic conditions. The pioneer Chinese came in the beginning sixties, actuated by the same impulses which caused their first invasion of the United States, namely, the discovery of gold in the mines of Cassiar and Caribou. Later in the eighties began the construction of the Canadian Pacific Railway, by which the provinces of the Dominion were knit together with transcontinental lines of steel. The era of railroad building meant the same problems to Canada as it meant to the United States in the previous decade, and here again the Chinese, the best laborers in the world for such purpose, were called upon to make the transportation dream of Canada's statesmen a reality. But more laborers came than were wanted,



and it was found necessary to impose such restrictions, hitherto none, as would keep the non-assimilative portion of the population within reasonable bounds. The Canadian of the Pacific coast feared, and rightly so, an Asiatic flood that might easily have submerged the few thousand inhabitants that represented the dominant race. Therefore, in 1884, the Dominion government appointed a royal commission to investigate the question and the result was the imposition, in 1886, of a tax of \$50 per head upon incoming Chinese.

By the census of 1891 there was a total of 9,129 Chinese in Canada, and of this number 8,910 resided in British Columbia. The capitation tax of \$50 was, however, too low to appreciably lessen the influx of Orientals; therefore an increase to \$100 was determined upon, to take effect in 1901. Even this was declared by the people of British Columbia, the province most affected by the immigration, to be utterly inadequate, and a second commission was ordered by the government to make a thorough investigation. It was this commission of 1900 which recommended the increase of the capitation tax to \$500, the present ratio, and a law was accordingly enacted by the Canadian Parliament, to come into force January, 1904, whereby the tax was raised to the specified amount, where it has since remained.

By January 1, 1904, there were approximately 30,000 Chinese in Canada, and of these 16,007 arrived from June, 1900, to the above mentioned date.<sup>1</sup> With the increase of the tax to \$500 the immigration became for a few years a negligible quantity,<sup>2</sup> and it was hoped that the solution of the perplexing problem had been reached. Nevertheless a new difficulty arose, curiously enough the logical resultant of this exorbitant head-money.

<sup>1</sup> Fiscal year, June, 1900, to 1901.....	2,518
Fiscal year, June, 1901, to 1902.....	3,525
Fiscal year, June, 1902, to 1903.....	5,245
June, 1903, to January 1, 1904.....	4,719

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16,007

From *Report* by W. L. Mackenzie King, C.M.G., of the Royal Commission appointed to inquire into the methods by which Oriental laborers have been induced to come to Canada. Ottawa, 1908, p. 70.

<sup>2</sup> *Ibid.*, p. 70:

January 1, 1904, to June 30, 1904.....	0
June 30, 1904, to June 30, 1905.....	8
June 30, 1905, to June 30, 1906.....	22
June 30, 1906, to June 30, 1907.....	91

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To all intents and purposes Canada had become a closed country to the average Chinaman. Immigration had been effectively discouraged, and the fortunate Orientals who had succeeded in coming to Canada prior to the enactment of the prohibitive tax were apparently the only ones who would be able to enter the happy land. This led, however, to an immediate readjustment of labor according to the conditions as they now existed, which contingency the legislators had no doubt failed to take into account. As the available supply was momentarily at a standstill the people of British Columbia, of both races, awoke to the fact that Chinese labor in Canada was now limited, practically a static quantity and subject only to slight increase. The peculiar economic advantages thus accruing to the Chinese are ably expressed by the Royal Commissioner. Said Mr. King: "The Chinaman who had landed in this country prior to January, 1904, discovered that the state, unwittingly perhaps, had, by restricting further competition from without, created of his labor a huge monopoly; without organization, without expense, without even agitation, every Chinaman became a unit in a labor group more favored than the most exclusive and highly protected trade union."<sup>3</sup> Coupled with this was the fact, admitted by all unprejudiced critics, that the Chinese were the best laborers obtainable for many industries. Their mode of living, ingrained through necessity by centuries of limited food supply almost down to the starvation point, their astonishing endurance, the result of intermittent labor in China necessary to keep body and soul together, their submissiveness and lack of aggressive action, an outgrowth of Confucianism which our West never understood, their cheerfulness, their fatalistic philosophy and their extraordinary aptitude for grinding toil, a vice instead of a virtue according to the weaker Caucasian standards, all of these qualities have made them well-nigh indispensable for the rapid development of a new country. Considering these traits, applicable to the entire race, it was but natural, with the further supply almost cut off, at least to any appreciable extent, that their labor should increase in demand, and with this increase, at variance with the stationary, even diminishing number available, it can readily be seen that the monetary value of their services advanced tremen-

<sup>3</sup> From *Report* by W. L. Mackenzie King, C.M.G., of the Royal Commission appointed to inquire into the methods by which Oriental laborers have been induced to come to Canada. Ottawa, 1908, p. 71.



dously. It operated, in fact, as a "huge monopoly." The fortunate Oriental in Canada discovered that the state had, innocently enough, doubled and even trebled his earning capacity. It was revealed by testimony before the Royal Commission that by the inauguration of the \$500 tax the average wage for even such ordinary work as packing fish arose from \$25 to \$40 with food to \$60 and \$70. With wages in China for unskilled labor at 5 or 10 cents per day and wages in Canada at first \$20 to \$40, and now double, the Chinaman already resident in the Dominion saw here the golden opportunity which comes but rarely in a lifetime. A few years of welcomed hardships and he would be able to return to the Orient burdened with excessive wealth, to become the Carnegie of his native village, honored, envied and execrated by all.

The passage of this high tax rate was not received with unanimity of opinion by the Canadian people. Although beneficial and desirable in the main, it was inevitable, according to the law governing taxation and economic restrictions, that the act would cause some hardship somewhere. Foremost among those that suffered were the fruit growers who had taken up land in the extreme western provinces, in many cases direct from the government, with the reasonable expectation that they could depend upon Chinese labor to garner the immense crops. From gathering fruit, however, the Chinaman, with his ready adaptability, turned to the more profitable fields of industry, and this caused a shortage of necessary hands which occasioned acute distress. The owners of the fruit ranches, undergoing the same experiences as their brethren in California, but more sensible in seeking a solution, held meetings, made speeches and presented petitions to the Canadian Parliament praying for relief, at least for a sufficient number of Chinese as would move the annual crops, but without result, which shows, nevertheless, that there were two sides to this question.

Nor can the Chinese be blamed for making the most of their opportunities. The various lines of industry in which they were pre-eminent, indeed, desired above all other races, increased their advantages and made more rapid their change from one field to another where the monetary inducement was greater. They have been severely censured for resorting unduly to "French leave," their enemies even trying to make this out as a national characteristic, but that is unfair, for such is human nature the world over

wherever there is a chance for a greater financial consideration. Nevertheless this kaleidoscopic change from one employment to another caused many a hardship in the staid Canadian homes in British Columbia and gave a new aspect to the universally vexatious servant problem. As one writer remarked: "For instance, in summer Vancouver, it is nearly impossible to get servants because they all go off to the canneries; but when the salmon have all gone down to the sea the cooks come back to their kitchens and the households of Vancouver run smoothly again."<sup>4</sup> It has been experienced since, by the people of both Canada and the United States that the Japanese laborers are prone to take "French leave," in the original meaning of the term, far more than the Chinese at their worst.

The greatest benefit resulting from the imposition of the increased tax was the abolition at one blow of the labor agencies and contractors that had made Chinese immigration a highly specialized field of investment. This undesirable traffic had continued under the \$50 tax and even under the \$100 tax, but with the necessary sum increased to \$500 the risks involved were too great to further consider the Chinese laborer a safe business proposition. The \$500 tax struck at the very root of the system, abolished it completely and ruined once for all this hitherto profitable trade in humanity, and this while the United States is still trying, with varying degrees of success, to break up the padrone and other contract labor systems by summary legislation, and devising schemes whereby the trade in Mexican peons in the Southwest can be similarly reduced and ultimately destroyed.

Within about three years the economic results of the increased tax had become fully apparent to the Chinese. Having prospered exceedingly because of the peculiar conditions outlined above, a large number of Orientals took advantage of their good fortune to return home for a visit, and this number grew so large that the steamship companies had difficulty in affording the required accommodations. While in China the news was spread around of the new land of riches beyond the seas and the wonderful remunerations for labor there obtainable. Moreover, Chinamen who had accumulated a sufficient surplus were able to secure for their relatives and friends, by advancing the money necessary for the tax, the same opportunities which they themselves had enjoyed. The Chinese who remained

<sup>4</sup> *Living Age*, No. 3268, February 23, 1907, p. 503, from article in *Macmillan's Magazine*.



in Canada wrote home flattering accounts, in most persuasive terms, in order to induce their former comrades to join them in the New World. It is worthy to note that the immigrants were generally males, for, wealthy though the Chinese now were according to their own standards through their stay in British Columbia, yet this was but a temporary residence, an exile voluntarily endured; almost without exception they were passionately desirous of returning to their nativity at the most convenient time, so as to enjoy among their own kind the fruits of their labor. Thus, at a bound, immigration again went up to respectable figures, and from June 30, 1907, to March 31, 1908, there were 1,482 new arrivals in the Dominion, whereas in the entire preceding year but 91 had gained admission.

Many Canadians deprecated this undue increase of Orientals, their apprehensions directed not only against the Chinese, but including equally the Japanese and Hindus, who had made their appearance in corresponding numbers. It was feared that the influx of aliens might become so great as to impair the safety of the commonwealth, and during the year 1907 racial feeling ran high in British Columbia. Unfortunately this feeling of hatred, anti-Asiatic in origin and purpose, grew until a certain element of the white population of Vancouver proceeded to take matters in their own hands, the result of which was the deplorable September riots, in which much property belonging to Chinese and Japanese residents was destroyed. The situation was a new one for the Dominion, although an old story, and a sordid one at that, in the United States. It was a critical moment in the history of Canada, for not only her own policy hinged upon the outcome, but the foreign policy of the entire British Empire, penetrating every corner of the globe and on especially delicate foundations in the Far East, was similarly involved. It is now the writer's pleasure to comment on the magnanimous spirit, the truly Britannic sense of fair play, with which Canada met the difficulty and solved it, in a way which leaves a warm regard for this people who can successfully engage in what is perhaps the most momentous question of modern times, namely, the conflict of color, the hatred of race for race, of nation for nation, which, curiously enough, instead of growing less with the spread of international law and comity, and the establishment of The Hague tribunals, seems to become greater year after year. There was but one thing for Canada to do, and that was to do the right thing, to face the situation fairly and squarely,

to submerge self-interest in the interests of humanity and the world's peace. Accordingly the Dominion government appointed the Hon. W. L. Mackenzie King, C.M.G., as commissioner to inquire into the causes and results of the September outrages and to determine the necessary damages to be paid, for Canada had actually resolved to reimburse the Asiatic population for its losses, the noblest act of which she was capable. A searching investigation was the result, a large number of witnesses were examined, every penny of loss, actual and resultant, was carefully tabulated, and the total loss incurred by the Chinese alone<sup>5</sup> at Vancouver was thereupon found to be \$25,990. This sum was reported by the Hon. Mr. King to the Minister of Labor, with the additional recommendation that an extra thousand dollars be given the Chinese to repay them for the legal expenses of the investigation. The total sum, \$26,990, was paid without quibble by Parliament.

This was applying the principles of Christianity in sincerity. What a contrast is this Canadian method of dispensing justice to aliens to our delightful American system of shifting the responsibility for outrages against helpless foreigners from state government to

<sup>5</sup> A similar careful investigation was made of the losses sustained by the Japanese residents of Vancouver, which claims, presented by the Japanese consul-general, amounted to \$13,519.45, of which \$2,405.70 was given as actual and \$11,113.75 as resultant. Through the searching inquiries of Mr. King, it was found, however, that "there was a difference of some \$4,500 between the total amount claimed and the total amount awarded," which was accounted for "by somewhat exorbitant claims made by one or two merchants for alleged losses in business, and more or less excessive claims made by some of the Japanese boarding-house keepers." In settling the Chinese claims to a penny, the commissioner had remarked that "the claimants appear almost without exception to have exercised moderation and a sense of fairness in the amount at which their respective business losses were estimated. In only two cases was a claim made for losses beyond a period of six days. Some of the claimants took account only of losses on account of expenditure for the time during which their places of business had been closed, and omitted any reference to loss of profit during the same." The only difficulty experienced with the Chinese was in approximating the claims for guards who had protected their property in the days following the riot. The fact that every claim was allowed as presented illustrates again the proverbial honesty and commercial integrity of the Chinaman.

The Japanese consulate at Vancouver ably assisted the commissioner in ascertaining the damages to Japanese property. Mr. King sent a check for \$1,600, authorized by order in council, to the consulate for its efficient help, which was returned by the consul with the courteous information that, "while appreciating the high and honourable motives which have prompted you and your government . . . I regret that it is impossible for my government to accept a reward for protecting the interests and property of the subjects of Japan." An extra \$189 was also recommended by Mr. King to reimburse the Japanese for the expense of declaring their claims.

As the various amounts were settled the individual Japanese affected were required to give a quit-claim to the Dominion government, which declaration of release, it seems, was not demanded of the Chinese.

See *Reports* by W. L. Mackenzie King, C.M.G., as to the losses of the Chinese and Japanese population of Vancouver; 7-8 Edward VII, Sessional Paper No. 74 f, A. 1908; 7-8 Edward VII, Sessional Paper No. 74 g, A. 1908, Ottawa, 1908.



federal and from federal government back to state, a continual seesaw ending only when the foreign government retires in disgust or when the United States is forced to make amends by a power sufficiently belligerent and capable to enforce its claims, as did Japan in the humiliating episode of the San Francisco school question, which ended in a diplomatic defeat for the government at Washington. Another case in point is the New Orleans riots of 1891, where the United States attempted to make Louisiana pay indemnity for the violation of treaty rights to Italy. Louisiana flatly refused, and the federal government was forced to settle the Italian claims through the national treasury, and not until this onerous duty had been performed was the United States able to wheedle Louisiana into repaying the sum. But with China all the absurdities of our system worked beautifully. China, being without money or military resources, and consequently outside the pale of justice, was unable to exact compensation. She was unable in the majority of instances even to secure enforcement of the law and legal responsibility for the destruction of her citizens' property and the murder of her nationals in California, Wyoming and Colorado. Chen Lan Pin, her able representative, in his efforts to secure satisfaction for the outrages committed in the last-named state, was referred by the national government to Colorado and from Colorado back to the national government, although the latter had no jurisdiction in the matter, because, according to our peculiar code of state rights, which should have been obsolete a century ago, this was a case for the local judiciary. Needless to say, after a wearisome exchange of negotiations, in which it developed that the United States had little control over territory and none whatever over state in these instances, the Chinese minister failed in his purpose.<sup>6</sup> The concealed justice lurking in such an

<sup>6</sup> The following curious arguments were used by Secretary of State Evarts to Minister Chen in defending the United States. Said the Secretary:

"It seems superfluous to recall to your attention the fact, but too well attested by history, that on occasions, happily infrequent, often without motive in their inception, and always without reason in their working, lawless persons will band together and make up a force in the character of a mob, of sufficient strength to defy, for the moment, the denunciations of the law and the power of the local authorities. Such incidents are peculiar to no country. Neither the United States nor China is exempt from such disasters. In the case now under consideration (the Denver riot) it is seen that the local authorities brought into requisition all the means at their command for the suppression of the mob, and that these means proved so effective that within twenty-four hours regular and lawful authority was re-established, the mob completely subdued and many of the ring-leaders arrested.

"Under circumstances of this nature when the government has put forth every legitimate effort to suppress a mob that threatens or attacks alike the safety and security of its own citizens

arrangement of equity and international obligations was impossible of discernment even to this Oriental brain schooled in the nicest subtleties of Confucius and Mencius. Although at the present

and the foreign residents within its borders, I know of no principle of national obligation, and there certainly is none arising from treaty stipulation, which renders it incumbent on the government of the United States to make indemnity to the Chinese residents of Denver, who, in common with citizens of the United States, at the time residents in that city, suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado or to the citizens of the United States from other states of the Union resident in Colorado for losses resulting from that occurrence, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of the mob. This is all that the principles of international law and the usages of national comity demand.

"This view of the subject supersedes any discussion of the extent or true meaning of the treaty obligations on the part of this government toward Chinese residents, for it proceeds upon the proposition that these residents are to receive the same measure of protection and vindication under judicial and political administration of their rights as our own citizens."

This is all very well and very neatly expressed, but the question arises, how are the Chinese going to obtain this "same measure of protection and vindication under judicial and political administration," at the hands of local courts, under local control and influenced by local prejudice? The arguments of Mr. Evarts, however sincere he may have been in stating them, are entirely beside the point at issue, and instead of solving the difficulty, only make it plainer that the enforcement of treaty rights and obligations is a duty of the federal government to perform and not the duty of the state courts.

On September 2, 1885, occurred the riot at Rock Springs, in the Territory of Wyoming, in which twenty-eight Chinese were killed and property valued at \$147,748.74 was destroyed or appropriated. The Chinese Minister Cheng Tsao Ju, made it clear to Secretary Bayard that the riot had been unprovoked by the Chinese, that no attempt had been made by the authorities to quell the disturbance, and that it was unlikely, "according to the reports of the consuls," that any of the rioters would be brought to punishment by either the territorial or local officers. He demanded full indemnity for the Chinese losses and injuries, and also measures that would in the future protect his countrymen in the United States. Minister Cheng also proved himself to be familiar with the arguments used by Secretary Evarts and Secretary Blaine, who had succeeded Mr. Evarts, in denying the legal liability of the United States to make reparation in the Colorado case, but this, he pointed out, had been concerned with a state, whereas the present disturbance had taken place in a territory of the United States and over which the government at Washington presumably had complete control. Therefore in this Wyoming outrage he demanded full indemnity from the national government and an admission of federal responsibility. Secretary Bayard replied by lengthy and tedious arguments in an effort to show that, by the treaties and conventions with China, the United States had fully performed its part, that the Chinese were not discriminated against any more than other aliens, and that they enjoyed equally with other nationalities the same privileges and protection of the law. He concluded with the recommendation, as "the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a foreign power, who, being peaceably employed within our jurisdiction, were so shockingly outraged," that, therefore, "it may reasonably be a subject for the benevolent consideration of Congress," with the "distinct understanding," however, "that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the territories." By the act of February 24, 1887, Congress granted the sum of \$147,748.74 to be distributed at the "discretion of the Chinese government" among the victims of the Wyoming riot. During the debate in Congress, Senator Edmunds, himself of the majority, took occasion to remark, however, that "there can be negligence between nations on the part of governments. . . . One nation as between itself and another is not bound by the internal autonomy of that state, but it looks to the body of the nation to carry out its obligations, and if they have not the judicial means to do it, for one reason or another, the nation that is injured is not bound by the



moment it must be admitted that quite a *rapprochement* has been reached between our dual governments as to responsibility for violating "the highest law of the land," yet at the first outbreak where racial passions run riot against various nationalities as in the past, outbreaks which will surely occur again because of the complexities of our population, we will probably experience a repetition of the old story, and with what results no one can foretell. Mr. Roosevelt, while President, did much toward strengthening the power of the executive and emphasizing the central government in the application and enforcement of treaty rights and obligations, and it is hoped that the present tendency will continue.

It is interesting to analyze the Canadian Chinese Immigration Act by a comparison with the "Exclusion Laws" of the United States. In section 43 of the general American code for aliens<sup>7</sup> it is expressly provided "that this act shall not be construed to repeal, alter or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent." Consequently by the latest expression of our immigration policy the Chinese are not included in the benefits enumerated, but share only in the general restrictions, remaining as heretofore a race apart, singled out and the only exception, from all the rest of mankind. According to section 79 of the Canadian act,<sup>8</sup> "all provisions not repugnant to *The Chinese Immigration Act* shall apply as well to persons of Chinese origin as to other persons." The distinction here made by the writer may seem trivial to the general reader but to the student of Far Eastern affairs it is significant enough. Canada does not segregate the Chinese into a class by themselves as we do, neither does she foolishly offend their race susceptibilities, but instead takes care not to cause them to "lose face," that inexplicable emotion which is in itself an epitome of the Chinese character, individually and nationally. The Chinese, on the other hand, feel that we purposely discriminate against

failure of the nation whose people committed the injury." Nevertheless the federal government persisted in denying that it was legally responsible even for outrages committed within the territories.

By the Deficiency Appropriations Act of October 19, 1888, Congress authorized a further sum of \$276,619.75 to be paid in settlement of Chinese claims for earlier disturbances.

See Moore, John Bassett, *A Digest of International Law*, 8 vols., Washington, 1906, vol. vi, pp. 820-837.

<sup>7</sup> Act of February 20, 1907; 34 Stat., 898, as amended by act of March 26, 1910; 36 Stat., 263, an act to regulate the immigration of aliens into the United States.

<sup>8</sup> Act respecting immigration, assented to May 4, 1910, and an act to amend the act respecting immigration, assented to April 4, 1911.

them and feel it keenly. It is their common complaint that we hold them to account for every act and characteristic of which we disapprove, whereas the shortcomings of all other nationalities, no matter how glaring, are deliberately overlooked.

Canada specifies no excluded class of Chinese except the kind applicable to all races necessarily found in the general immigration laws of both countries, namely, paupers, idiots or insane, immoral persons or persons suffering from loathsome, infectious or contagious diseases. All normal Chinese are freely admitted upon the payment of the tax. The United States definitely excludes all Chinese except those specifically exempted from the operation of the act, the same in Canada from paying the tax, as the diplomatic and consular corps, teachers, merchants, students<sup>9</sup> and travelers. The general tone of the Canadian act is conciliatory, of the American act hostile. Canada exempts, the United States excludes, and between these two terms lies the greatest difference. Canada has found out that excluding and thereby irritating the coming power of the Far East is not necessary. The \$500 tax easily cuts down immigration to the desired level, aided as it is by the requirement that no vessel can carry more immigrants than one to every fifty tons burden. Why cannot we have the same clause and thus at one stroke sever the greatest and most lasting cause for misunderstanding between America and China? A \$500 head-tax would operate as satisfactorily here as in Canada. That is beyond argument. Or if \$500 be deemed too low the price for entry could be raised to \$1,000. That surely would be prohibitive. By the imposition of this burdensome tax, necessarily so in order to prevent the undesirable coolie element from migrating to our Pacific coast, the situation would be saved by a technicality, and the United States would be released from the constant embarrassments occasioned by the application and enforcement of the present acts. If this proposal were accepted and put into legislation it would not be necessary for China further to "lose face," it would not be neces-

<sup>9</sup> As to students (7-8 Edward VII, Chap. 14, Sec. 3): "A student of Chinese origin who upon first entering Canada has substantiated his status as such to the satisfaction of the controller, subject to the approval of the minister, and who is the bearer of a certificate of identity, or other similar document issued by the government or a recognized official or representative of the government whose subject he is, and who at that time satisfies the controller that he is entering Canada for the purpose of securing a higher education in one of the recognized universities, or in some other educational institution approved by the governor in council for the purposes of this section, and who afterwards furnishes satisfactory proof that he has been a *bona fide* student in such university or educational institution for a period of one year, shall be entitled to a refund of the tax paid by him upon his entry into Canada."



sary for the Chinese to realize as now that the greatest nation of the Western Hemisphere is a closed nation to them, as impossible to enter legally as for us to enter the holy City of Mecca, for such are the popular suppositions in China regarding our "Exclusion Laws." There is no need to elaborate on the amount of the tax herein proposed; that is beside the argument. It is certain, however, that by such an arrangement the present serious misunderstandings and harsh criticisms on both sides of the water would be removed, and even if a few hundred more Chinese would enter yearly we could use them to the greatest advantage in California and elsewhere.

There is no restriction whatever in the Canadian act against the Chinese otherwise than limiting their number. In the act of the United States,<sup>10</sup> however, we read that, "hereafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed." Now the naturalization of any other foreigner is permissible by fulfilling the requirements, namely, five years of continuous residence, declaration of intention two years in advance, renouncing allegiance to the native government, ability to speak English and intention to reside permanently in the United States. The result of such discrimination was amply illustrated in the history of the West since the exclusion laws were enacted; everyone despised the Chinaman for his inability to become a citizen and saw in him just prey for mob violence. Any other foreigner of whatever standard of morals or brains had and still has the inherent right by law to become naturalized, but the Chinaman, by the same law, no matter how superior in morals or brains, cannot rise above the status of the alien, the lowest stratum in the political community. This clause is unnecessary. Passed in the heat of labor controversies, it has remained in force, together with exclusion, because of the strange inability of the average American to comprehend his country in an international light. The denial of the right of expatriation is an affront which the United States dares not offer to any capable power; furthermore, it is useless in this instance, as few Chinese would avail themselves of the privilege. In repealing this offensive stipulation against the world's latest republic, the *entente* between the two nations, now

<sup>10</sup> Sec. 14 of act of May 6, 1882; 22 Stat., p. 58, as amended and added to by act of July 5, 1884; 23 Stat., p. 115.

largely alike in government, would be materially increased.<sup>11</sup> As it is, China is well aware of the fact that by refusing citizenship to her nationals, the United States has put her people on an immeasurably lower plane than any other races here residing, and has kept them there; but in spite of the boycotts against American trade by which the United States lost millions of dollars and a corresponding proportion of commercial and political prestige, the lesson has not yet been driven home.

The Canadian law is free from all the vexations and spiteful restrictions which hedge in the Chinese by the law of the United States as regards entry and registration. By the Canadian act, "the chief controller, and such controllers as are by him authorized so to do, shall keep a register of all persons to whom certificates of entry have been granted."<sup>12</sup> The American system is a maze of tortuous qualifications too tedious to enumerate, resulting of course from the fact that the immense majority of the Chinese nation is absolutely excluded, and through the fear of the United States that one of them might slip in by mistake in the guise of an exempt or returning laborer and thus evade the Chinese wall of restrictions against him. The greatest fault of our system of entry and registration lies in the fact that too many times the best and noblest of the Chinese race are actually put in the detention sheds and, pending trial, subjected to the same indignities which the stolid coolie accepts with equanimity but which create in the Chinese of the higher classes a deep-seated hatred for this government and its institutions, which is immediately put into play upon their return to China. The consequent effect of this hatred on the American diplomatic and commercial policy in the Far East is familiar to every one who has studied the situation.

The Canadian law provides that the certificate which the

<sup>11</sup> A good beginning was made, but soon discarded, by the Burlingame treaty of July 8, 1868, which stated in Article V that "the United States of America and the Emperor of China cordially recognize the inherent and unalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of other citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade or as permanent residents." This treaty, however, it must be remembered, was ratified while the United States, and all the world for that matter, gave China credit for having enormous military strength which made imperative an exchange of benefits. Not until the Chino-Japanese war of 1894-5 was the astonishing weakness of the former Chinese Empire fully revealed.

For the text of the Burlingame treaty see Moore's *Digest*, vol. v, p. 430; *Treaties and Conventions*, etc., of the United States and foreign powers, 2 vols., Washington, 1910, vol. i, p. 235. See also Moore, *Ibid.*, vol. iii, p. 587; vol. iv, p. 187, 551; vol. v, p. 429.

<sup>12</sup> 3 Edward VII, c. 8, s. 14; Rev. Stat., 1906, ch. 95, s. 17.



Chinese immigrant receives "shall be *prima facie* evidence that the person presenting it has complied with the requirements of the act," with the reservation that "such certificate may be contested by His Majesty or by any officer charged with the duty of carrying this act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained;" furthermore, "such contestation shall be heard or determined in a summary manner by any judge of a superior court of any province of Canada where such certificate is produced."<sup>13</sup> By the regulations of the United States, "any Chinese person, other than a Chinese laborer, having the right to remain in the United States, desiring such certificate of such right, may apply for and receive the same without charge."<sup>14</sup> Thus the American specification as regards the exempt classes actually seems at first glance to be the fairer, but it must be remembered that our law has not in the majority of instances worked smoothly, first, because of the exclusion feature which in every case is necessarily involved; second, because of the inability of occasional immigration officers, past and present, to distinguish one Chinaman from another, or a scholar, merchant or "high-class" Oriental from the ordinary coolie. Consequently the result has been that too many times in this country the certificate of an undeniable exempt has been unjustly contested, or the Chinaman legally residing here or visiting this country for pleasure has been subjected to indignities by irresponsible officers in the preliminary investigation even before receiving his certificate. The entire attitude of the United States toward the Chinese has been necessarily colored by the policy of exclusion, and the constant misunderstandings and ill feeling will continue until the laws are modified in some satisfactory manner.

As regards the laborer, he must indeed be a man of more than ordinary brains to evade the seemingly impenetrable meshes of restrictions guarding against him, and should one so manage to enter this country and later be found wanting, he ought straightway receive his certificate of residence as a reward for his feat of accomplishing the impossible.

The application of a returning merchant claiming domicile in the United States must be established "by the testimony of two credible witnesses other than Chinese," to prove that "he conducted

<sup>13</sup> 3 Edward VII, c. 8, s. 13; Rev. Stat., 1906, ch. 95, s. 8.

<sup>14</sup> Act of May 5, 1892; 27 Stat., p. 25, Sec. 6.

such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant and in default of such proof shall be refused landing."<sup>15</sup> If he was to undergo deportation he was to suffer arrest and was "not to be admitted to bail." If the certificate were by chance granted to him it must contain "the photograph of the applicant, together with his name, local residence and occupation." The photograph must be furnished "in such form as may be prescribed by the Secretary of Commerce and Labor," and the special work of art necessary to satisfy the requirements is made clear by painstaking detail.<sup>16</sup>

Anyone who is acquainted with the proverbial honesty of the Chinese merchant, and who has visited the enormous bazaars of Oriental art in San Francisco and Los Angeles, where the treasures of the Far East are gathered with loving care and in perfect taste, must know that these stipulations do not tend to inculcate a good understanding or a reciprocity of interests between the Chinese mercantile classes and the United States, and that whenever a merchant returns to China and recites to an indignant audience the story of his humiliating experiences in America, by so much in every instance is the commercial opportunity of the United States in the Far East lessened and put to greater disadvantage. The race is not infallible, yet the entire world concedes that the integrity of the average Chinese merchant is beyond criticism, and he is trusted by European bankers and establishments to an extent denied to any other nationality. This is because his religion and system of philosophy successfully teach him that honesty in business is one of the cardinal virtues. Even the humblest merchant with the smallest

<sup>15</sup> Act of November 3, 1893; 28 Stat., p. 7, Sec. 2.

<sup>16</sup> Some interesting Bertillon measurements are given in the *Regulations* as to photographs, which were to be unmounted, "of suitable quality," and "printed from a negative that has not been retouched, representing the subject without hat, full front view, showing both ears, measuring 1¼ inches from top of head to point of chin. The photograph shall be attached to the certificate with great care to insure permanency and prevent warping." Furthermore the stature of the applicant "shall be carefully taken and inserted in feet and inches, and in recording physical marks and peculiarities those which are the most prominent and the least likely to be obliterated by lapse of time shall be selected."

Regarding the exempt who wishes to travel, it is provided that the photograph must be taken "from a negative that has not been retouched, full front view, showing both ears, about 3 by 3 inches square, head 1¼ inches long from top of head to point of chin." The Chinese are of course, unable to see the humor in these stipulations.

See *Regulations* governing the admission of Chinese, Rule 19, Section (E); Rule 21, Section (10).



kind of a store is invariably courteous without being ostentatious, kindly, cheerful, indifferent to sales and ignorant of the manifold schemes by which other merchants enhance the price of an article which the tourist, by an unwise display of emotion, shows that he wishes to possess. It would be a good thing for our country if we had a few of these types of Chinese in some of our lines of industry, especially in those that cater to the poor, who pay a higher price for the necessities of life of inferior quality, as every social settlement worker knows, than any other class. Yet these merchants are of the race which our laws stigmatize as undesirable, to be kept down to a minimum which might as well be total expulsion.

The Canadian law respecting re-entry, on the other hand, is beautiful in its simplicity. As regards this section of the act, it is provided that "every person of Chinese origin who wishes to leave Canada, with the declared intention of returning thereto, shall give written notice of such intention to the controller at the port or place whence he proposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends to take both going and returning, and such notice shall be accompanied by a fee of one dollar.

"The controller shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary, under such regulations as are made for the purpose.

"The person so registered shall be entitled on his return, if within twelve months of such registration, and as proof of his identity to the satisfaction of the controller, as to which the decision of the controller shall be final, to free entry as an exempt or to receive from the controller the amount of the tax, if any, paid by him on his return; but if he does not return to Canada within twelve months from the date of such registration he shall, if returning after that date, be subject to the tax of five hundred dollars imposed by this act in the same manner as in the case of a first arrival." <sup>17</sup>

Here again it is necessary to remark that Canada's task is far simpler than ours because Canada has no excluded class of Chinese other than those undesirables of all races, which are debarred likewise by both nations. The question of exemption from or payment of

<sup>17</sup> 3 Edward VII, c. 8, s. 18; Rev. Stat., 1906, ch. 95, s. 20, 21.

the \$500 tax is all that concerns the above-quoted sections of the Canadian act. Our laws are and must be extremely more technical, involved and severe because of our policy of exclusion. The only way to make our regulations just as brief and effective as those of our northern neighbor and thus remove all clauses prejudicial to China, is to eradicate the exclusion feature and imitate Canada by substituting instead a sufficiently prohibitive head-tax, by which, according to all reason, better results would be obtained both at home and abroad and in a far more satisfactory manner. As our acts stand they are cumbersome and unwise, the lingering results of a period of lawlessness which should be conveniently forgotten and blotted from our legislation as soon as possible. Canada has had the advantage of profiting by our mistakes and therefore is in a better position to-day than we to command the good will and respect of the new Asiatic power.

It may be offered in extenuation of the United States that Canada has not been confronted with the entire gravity of the so-called Chinese question. That would be erroneous; if at all, Canada has had a situation of far greater complexity to solve than ever we were subject to even in the most grievous days of our mob riots. Canada had, however, one great advantage, her legislative task being made far easier because by a study of comparative politics she was able to avoid and to profit by our lack of judgment. Also, the immigration of the Chinese to Canada did not begin until after the United States, by the exclusion law, had practically denied them entrance. With such a shining example of the violation of international comity before them, it was quite natural that the Dominion government elected to steer in the opposite direction to the policy of the United States, and that not even the most bitter opponents of the Chinese in British Columbia were in favor of exclusion, for that would have been a hazardous course which in all likelihood would have involved the entire British Empire. It must be remembered that Canada, though to all intents and purposes a self-governing commonwealth, is nevertheless not a sovereign entity. The Dominion is, and proudly so, an integral part of the vast possessions over which the British rule, and of which the nerve center is in the Foreign Office at London. In that empire is found a more complex aggregation of races and nationalities than in the Roman Empire, even at the height of its power. The task of assimilating, nay, of even conciliating such



heterogeneous peoples is a titanic duty which the United States has never been called upon to perform. One mistake in this task of ruling this greatest empire the world has ever seen, such as the exclusion of the Chinese from Canada, and the flames of racial and sectional hatred, combined with religious antagonism, which unfortunately has been the incentive for the bloodiest wars of history, would have been kindled throughout the British possessions, especially in India, Burmah and the Soudan, where racial discontent is often seething at the boiling-point. Had England and her colonial governments allowed race hatred to dominate reason and national policy, as we did during the Kearney régime and after, the British Empire long ago would have been shattered into fragments.

From India, the most restive and unmanageable of all the British possessions, Canada found a problem on her hands of greater magnitude than the difficulty experienced with the Chinese. Here again it was necessary to proceed with extreme caution, for the English regeneration of India has largely proven to be a thankless performance so far as the benefited inhabitants are concerned. The more liberty granted the more liberty wanted, to which must be added the vexatious questions arising from conforming religions and customs centuries old to meet the new conditions, together with the awakened national consciousness which inevitably would be brought into vigorous life and quickened by the British programme. Thus it can readily be seen that many times the Anglo-Indian methods of administration had to be adjusted to the most sensitive balance. Canada was not blind to her responsibilities, and her scheme for restricting the entry of immigrants from India without giving offense to the inhabitants thereof, was pronounced by the Hon. Mr. King as "a dovetailing, so to speak, of Great Britain's well-known policy in the protection of the native races in India, and Canada's policy in the matter of immigration."<sup>18</sup> In pursuance of such purpose

<sup>18</sup> *Report on immigration to Canada from the Orient and immigration from India in particular*, by W. L. Mackenzie King, C. M. G.; 7-8 Edward VII, Sessional Paper No. 36 a, A. 1908. Ottawa, May 4, 1908.

Mr. King said further: "The liberty of British subjects in India is safeguarded rather than curtailed, the traditional policy of Great Britain in respect to the native races of India has been kept in mind, and the necessity of enacting legislation either in India or in Canada which might appear to reflect on fellow British subjects in another part of the empire has been wholly avoided. Nothing could be more unfortunate or misleading than that the impression should go forth that Canada, in seeking to regulate a matter of domestic concern, is not deeply sensible of the obligation which citizenship within the empire entails. It is a recognition of this obligation which has caused her to adopt a course which by removing the possibilities of injustice and friction, is best calculated

Canada found it necessary to make a thorough investigation of the means by which East Indian immigrants were induced to come to the Dominion. It was soon uncovered in this inquiry that contract labor was flourishing among the laborers of this people as it had flourished among the Chinese before the imposition of the \$500 head-tax. The British Indian Emigration Act (xxi, 1883), enacted to protect the Indian laborer from contract labor agencies, provided, however, that departure from India "under an agreement to labor for hire" was not lawful except to countries specified in the act or where notification to that effect had been made. It developed that such immigration "in the sense defined" was illegal by the operation of this Indian emigration act in applying to Canada and that such immigration could not be made lawful unless the Dominion government, by the declaration of the governor general in council, would make notification allowing it, which was not done. This in itself solved the problem, but Canada pushed the inquiry further and discovered that few natives from India emigrated of their own accord but had been unduly influenced by steamship agents, and persons and manufacturing establishments interested in exploiting the immigrant because of his ability to work at a lower wage than that demanded by native Canadian laborers. To offset these causes and render them inoperative in the future the government of India, at the request of the Canadian government, gave sufficient warning that literature scattered broadcast through India describing Canada as a land of fortune must be discontinued; the steamship companies were notified that neither the British nor the Dominion government looked with favor upon their activities to increase immigration; a continuous journey from India to Canada was demanded, and each immigrant was required to have cash on hand to the amount of at least twenty-five dollars. Through such beneficial requirements was the "dove-tailing" of the policies of Great Britain and Canada accomplished and by these simple and effective remedies each country was able to respect the obligations of the other and to enforce regulations which saved the situation without danger to the empire.

We have acquired on quite a respectable scale a colonial empire, increased without effort by the Spanish-American war, which to-day

to strengthen the bonds of association with the several parts, and to promote the general harmony of the whole. In this, as was to be expected, Canada has had not only the sympathy and understanding, but the hearty cooperation of the authorities in Great Britain and India as well." *Ibid.*, p. 10.



totals an area of 716,555 square miles in extent and includes Alaska, Porto Rico, the Panama Canal Zone, Hawaii, the Philippines, two little specks in the Tutuila Group and the Ladrões which cannot be seen on the map without the aid of a microscope. It was not long until we were confronted in our Pacific possessions, in Hawaii and the Philippines, with difficulties similar to those which are almost an annual occurrence in the British dominions the world over and which cause the Foreign Office at Downing Street ceaseless anxieties. As the result of the war with Spain we found ourselves, whether we wished or no, a world power, with international relations involving international responsibilities in all the minute distinctions which those terms imply. Like Canada, necessarily forced to harmonize her foreign policy in accordance with that of the mother country, we were now compelled to deal with questions of grave significance, not as a nation selfishly wrapped up within our four boundaries but occupying, by virtue of our outlying dependencies, a position which carried with it all the unique obligations of comity and reciprocity to be associated with the other great powers, involving diplomacy and national conduct of an entirely different nature than that to which we heretofore had been accustomed. It was not surprising, therefore, that the Chinese problem should again come up for consideration, and here we proved ourselves to be painfully consistent with our past legislation by disposing of the matter in a way which might aptly be termed a lack of international foresight.

By a joint resolution of July 7, 1898, it was declared that "there shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands."<sup>19</sup> By the act of April 30, 1900,<sup>20</sup> "all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii."<sup>21</sup> Chinese residing in these Islands were given one year in which to obtain certificates of residence, and if at the end of the said year they had provided themselves with such certificates, they "shall not be deemed to be unlawfully in the United States," but it

<sup>19</sup> 30 Stat., p. 751.

<sup>20</sup> 31 Stat., pp. 141-161.

<sup>21</sup> *Ibid.*, Sec. 4.

was expressly stipulated that "no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any state, territory or district of the United States from the Hawaiian Islands."<sup>22</sup> Thus by the last clause, whether the Chinese laborer were *registered or not*, he was denied entrance to the mainland of the United States or any possession thereof.<sup>23</sup> As regards the exempt classes of Chinese "who are citizens or subjects of other insular territory of the United States than the Territory of Hawaii," these were permitted "to go from such insular territory to the mainland or from one insular territory to another," provided that they obtained the required certificate, but with the saving clause that "the privilege of transit shall be extended to all persons other than laborers," and should not apply to one of the excluded class, even if he were registered. Furthermore, "subjects of the Chinese Empire of the exempt classes residing in Hawaii must obtain certificates from the representative of their own government (the Chinese consul, Honolulu), and such certificates must be viséed by the inspector in charge of the immigration service in said Islands instead of by a diplomatic or consular officer."

In the Philippines we started off badly. By an order of General Otis, September 26, 1898, all Chinese were prohibited from coming to the Islands except the exempt classes who were lawfully able to enter the United States and laborers who had formerly resided in Manila and for the time being were absent. This order was characterized by the Department of State as "incident to the military administration," and allowed because "it seems appropriate and desirable not to interfere with the discretion of the military commander," but that "the measure he (Otis) had adopted should not be regarded as in pursuance of a settled policy on the part of the United States government."<sup>24</sup> Minister Wu, at Washington, protested, however, on the grounds that the order was not needed as a military measure, that the determination of the status of these new possessions was thus taken from Congress and that the friendly relations with China were thereby disturbed. Acting Secretary of State Hill, in

<sup>22</sup> 31 Stat., Sec. 101.

<sup>23</sup> However, "as all persons who were citizens of the Republic of Hawaii on August 12, 1898, are citizens of the United States, persons of the Chinese race claiming such status may be admitted at either mainland or insular ports of entry upon producing evidence sufficient to establish such claim." *Regulations*, Rule 11, (b). Thus such a laborer could not be excluded, as he was a citizen. 23 Op. Atty. Gen., 345 and 509.

<sup>24</sup> U. S. *Foreign Relations*, 1899, pp. 209, 211, 212; Moore's *Digest*, vol. iv, pp. 234, 235.



a communication to Lord Pauncefote, as to whether "Chinese persons who are British subjects are permitted to travel in the Philippine Islands," replied as follows:

"1. Chinese persons are to be excluded from the Philippines, 'whether subjects of China or any other foreign power.

"2. That such exclusion is a military measure adopted to meet existing military necessity. Being a military expedient, it is not to be considered as in any way affecting the permanent policy of the government of the Islands under the conditions of peace.

"3. The military order relating to said exclusion did not extend the Chinese-exclusion acts of the United States Congress to and over the Philippine Islands as a law of the United States; the provisions of said acts were adopted as appropriate remedies for the military necessity, and made operative independently of the statute by authority resulting from military occupation."<sup>25</sup>

The halfway concession to China contained in the last paragraph of the above could not have been expected to continue, as the United States, considering the popular ignorance of the real Chinese question at home, necessarily had to be consistent in its policy in the Philippines as in Hawaii and the mainland, and this it proceeded to do, in spite of the fact that the Asiatic possessions were next door to China and largely under Chinese influence. Therefore, by the act of April 27, 1904, it was stipulated that the exclusion laws "are hereby re-enacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the said island territory of the United States to another portion of said island territory," but it was provided that the "said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group."<sup>26</sup> Thus the policy of exclusion was now rounded out and completed in all the lands governed by the United States, even to those in Asiatic waters, and once more the Chinese arguments and appeals for the suspension

<sup>25</sup> Acting Secretary of State Hill to Lord Pauncefote, May 7, 1901, *Foreign Relations*, 1901, p. 214; Moore's *Digest*, vol. iv, pp. 235, 236.

<sup>26</sup> Act of April 29, 1902, as amended and re-enacted by section 5 of the Deficiency Act of April 27, 1904; 32 Stat., Part 1, p. 176; 33 Stat., pp. 394-428.

of this objectionable discrimination, or at least a diminution as far as the Philippine Islands were concerned, met with disregard and failure.

There is another contrast worthy of mention between the United States and Canada and that is in regard to the settlement of the opium question. England, as is well known, has been making strenuous efforts within the past years to atone for the calamitous results of the war of 1840 with China, and in this she has been ably seconded by her dependencies, notably Canada, which passed an act in 1911 "to prohibit the improper use of opium and other drugs."<sup>27</sup> This comprehensive statute made it a "criminal offense" for anyone who, "without lawful or reasonable excuse, imports, sells, offers for sale, has in his possession, or takes or carries, or causes to be taken or carried, from any place in Canada to any other place in Canada, any drug for other than scientific or medicinal purposes." As to the vicious use of the compound, "every person who smokes opium, or who, without lawful or reasonable excuse, has in his possession opium prepared or being prepared for smoking, shall be guilty of a criminal offense," and furthermore, "any person who, without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium," is liable, as in all these infractions, to conviction, fine, and imprisonment, or both, by law. Those who are by the act competent to deal in the fearful narcotic are carefully enumerated, and its use for medicinal prescriptions is similarly defined. So serious is the opium danger regarded, and rightly so, that search warrants are allowed in suspected cases, and the drugs and receptacles, if found, are to be seized and the owners punished.

The Canadian law is applicable to the entire Dominion, and as such is capable of universal enforcement, in Ontario as in British Columbia. Now a word as to the difficulties confronting American legislation on this same evil, one of the most deplorable and degrading of human vices. There is a general federal law which prohibits interstate traffic in opium, but further than this the national government cannot proceed, and the necessary enactments to purge the country of this appalling danger is left by virtue of the constitution to the various state governments. The latest illustration of how this division of power really works, in questions affecting the vitality

<sup>27</sup> 1-2 George V, Chap. 17, assented to 19th May, 1911.



of the entire nation as in the one under consideration, is found in a recent case in Philadelphia, where the police magistrate discharged three merchants arraigned on the charge of selling opium. These were released from custody because the present law of Pennsylvania, one of the most progressive states of the Union, forbids the possession of an opium pipe but does nothing more, not even forbidding the sale or the use of the opiate. The only way that convictions can be secured is in accordance with the drug law, which prohibits the sale of drugs having a sufficient percentage of poison to kill the consumer. Dr. Koch, vice-president of the State Pharmaceutical Board, said: "We knew that the legal aspects of opium prosecutions would become public sooner or later. We did not wish to make any public announcement because we desired to have enacted a flawless law. . . . An opium bill, just and applicable to traffic in opium in every form, was presented to the last general assembly, but was defeated." Magistrate Gorman made the announcement, after releasing the three merchants, that "it is perfectly legal for anyone to sell or purchase opium in this state. And as far as the law is concerned, anyone has a right to smoke opium, in a store, in the streets, or in their homes."<sup>28</sup>

Such is the status of the opium question at the present time of writing in the State of Pennsylvania, one of the bulwarks of the American Union, whose law, enacted some thirty years ago, forbids neither the sale nor the use of the drug, nothing but "a pearl inlaid pipe and a peanut oil burning lamp." In contrast to this we have the excellent example of Canada's successful legislation before us, a comprehensive law applicable over the entire Dominion without preliminary hair-splitting arguments as in the United States, whether the statute is constitutional or not, or might by some legal twist of language violate one of the sacred prerogatives of our forty-eight almost sovereign states. If we wish to be successful in our foreign relations in all their various aspects, it will be necessary for us first of all to put our house in order, to reach some understanding among ourselves whereby all problems touching upon international relations in whatever form would be successfully treated either by our forty-eight governments alike, which is impossible, or solely by the central authority, which is the logical and ultimate solution. A situation such as the one cited gives weight to the desire already strongly

<sup>28</sup> Philadelphia *Public Ledger*, November 25, 1912, p. 1.

expressed that all questions dealing with the moral and physical welfare of the people be delegated by the states to the federal government, so that by one law, as in Canada, all evils and corruptions similar to the above can be dealt with promptly, uniformly and efficaciously, covering equally and without discrimination every phase and character of our complex national life.

By the comparisons herein set forth it must be admitted that Canada has solved the Chinese question, which is by no means as serious as some American publicists would have us believe, in a manner far more satisfactory than the entire record of our legislation on the subject. Beginning with the agitation for exclusion our laws have been consistently a series of petty irritations and discriminations which do not speak well for our vaunted ideals on race equality and opportunity; and as far as the Chinese nation is concerned our Declaration of Independence might as well have been a dead letter. Of course the situation is above the ordinary international complications, but it is far from being a "yellow peril" or a menace to our social and industrial institutions. What we need to do is to make at least an effort to understand the Orient, to try to appreciate the Chinese viewpoint. What is still more urgent and in need of immediate attention is the thorough overhauling of our regulations concerning the Chinese on the basis of an intelligent, equitable and scientific treatment, which, if done long ago, would have produced an immense amount of good and would have prevented the greater amount of harm which has resulted from these self-same restrictions.

China has at last reached the definite parting of the ways between the old and the new, and the Orient, self-sufficient for centuries, is now merging with the Occident to an extent unappreciated in America. Though there was nothing spectacular about the Chinese revolution, yet it accomplished its purpose, and to-day a new republic is waiting to be received into the family of nations. Coincident with this change of government, or rather antedating it by a decade at least, is the tremendous revival of Chinese learning, not the antiquated style of canonical aphorisms which had been followed for ages but an intensely absorbing study of world politics, of world economics, of all matters which are vital to a world power of the twentieth century. Under such a system of national scrutiny it was inevitable that the American policy of exclusion should be subjected to keen criticism and disparaging judgment, which will



cause a further decided retrogression of American prestige and commerce if our unwise attitude towards China and the Chinese is not materially altered. Young China has ceased to be a theory and is now a fact, a living, dynamic force of enormous potentialities. What the ultimate results will be when this undeveloped energy which has lain dormant for a thousand years is fully awakened only the future can reveal. Therefore it stands all the more to reason that our hackneyed system will not bear analysis in the face of this modern Chinese renaissance, and that if we wish to regain the position we once held, or even retain what we have, it will be necessary for us to act quickly and decisively. We have a splendid opportunity offered us, which carries with it however the ultimatum that we must conform our national policy to the actualities of the present day, and for this necessary readjustment the writer advances the following propositions:

- I. Recognition of the Chinese Republic.
- II. Abrogation of the treaties and conventions in force with China and immediate legislation embracing mutual comity, reciprocity and most-favored-nation clauses.
- III. Repeal of the exclusion laws and regulations and the substitution of a sufficiently prohibitive head-tax to keep out undesirable immigration.

It has been the national dictum of our republic ever since its foundation, and thoroughly grounded into us by the Genêt experience, to avoid all entangling alliances with other powers and to keep our foreign affairs distinct and separate from the interests of Europe. Thus every act which might have some bearing upon international relations has been carefully weighed by the State Department before receiving the sanction of the government. But this undue caution, while entirely laudable in itself, yet reacts to our detriment in certain instances where there is little or no justification for such a course. An example of how we are injuring ourselves by relying too much upon our past conduct is in delaying the recognition of the Chinese republic, which, beyond a doubt, is to-day an accomplished fact and gives every indication of growing strength and increasing activity. Of course, this reticence on our part is perfectly understandable by a review of our history, being the logical resultant of that period when the fear of Napoleon, of Metternich and the so-called Holy Alliance lay heavily upon us. But it is not to be expected that

the Chinese know American history, consequently our ingrained attitude is incomprehensible to them and our continued passivity in this matter of recognition has been received by them with pained surprise which is rapidly being changed to anger and a desire in some way to retaliate.

We are looked upon by China and other nations, even by Europe, as the leading exponent of republican institutions by virtue of the fact that our form of government, a dubious experiment at its inception, has proven itself to mankind, and, besides accelerating the greatest revolution the world has ever seen, has resulted in numerous duplications, the latest of which is China. Therefore the Chinese turn first to us for our approval because of our exalted position, but as yet we have failed to give the least sign of official encouragement. We made the same blunder with the South American republics in their struggle for liberty and at the time when their independence had become an indisputable reality, and in spite of the incalculable benefits of the Monroe Doctrine, they have not forgotten nor forgiven our lack of judgment, our want of tact, our inability to foresee the future by delaying this comparatively simple matter of recognition, which, after a certain stage in the affairs of the revolted people has been reached, is hardly more than a mere expression of sentiment, especially when a powerful nation confers it, yet which gives the grateful recipients an international status, and more than often results in a return of friendship and commercial benefits from them out of all proportion to the original risks involved. There is no doubt, for it is admitted by the Chinese themselves, that should we bestow this act of grace immediately upon the Republic of China, by this happy stroke of diplomacy we would add millions upon millions to our commerce and would re-establish ourselves in that enviable position which we once held, as the foremost friends and counsellor of this Asiatic power. What makes our bourgeois attitude all the more un-American is that in the Far East there is absolutely no valid excuse for delay. The United States has everything to gain and nothing to lose, without the least fear of international complications. Such act cannot affect our diplomatic relations with Europe regarding the Orient because as it is we have been practically isolated for the past few years, having incurred the covert hostility of the powers, with the possible exception of England, through our open-door policy. This consistent antagonism to the American programme



was sufficiently illustrated by the dismal reception given the Knox proposals to neutralize the Manchurian railways, and this temporary defeat proved that our ideas as to Chinese integrity and inviolability of sovereignty were not looked upon with favor by nations interested in obtaining their share of China when the drama of dissolution should finally occur. All danger of the latter contingency, however, has been removed by the astonishing rejuvenation of the intended victim, and in the place of the decrepit empire of the Manchus stands a young, vigorous, virile republic, waiting for our formal nod of recognition and unable to understand what reason we may have for hesitancy because there is none.

The abrogation of the present treaties and conventions in force with China is a comparatively easy matter, because we may by international law regard the change of government in China as sufficiently violent in form to justify ourselves in considering the relations entered into with the Manchu monarchy at an end, without waiting to resort to the customary diplomatic procedure. The next step would be the promulgation of a new treaty of mutual comity and reciprocity, which, however, must be supported by a national policy that would faithfully observe these stipulations, and would carry them into effect, instead of the combinations of meaningless phrases which constitute our present documents. It is difficult, in fact impossible, for us to orientate ourselves enough to appreciate the emotions of the Chinese in reading that by treaty they are given the right "to go and come of their own free will," and that "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most-favored nation,"<sup>29</sup> shall likewise be extended to them, and that "if Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the government of the United States will exert all its power to devise measures for their protection and to secure to them the . . . rights . . . to which they are entitled by treaty."<sup>30</sup> Such articles, well meant at the time of ratification, have since become obsolete through consistent violations on the part of the United States by the statutory development of its exclusion policy, and the resulting temper of the Chinese is clearly brought

<sup>29</sup> *Treaty of 1880*; 22 Stat., 826, Art. ii.

<sup>30</sup> *Ibid*, Art. iii.

out by the denunciation of the treaty of 1894 ten years later, which consequently expired by reason of such action. Therefore, to re-establish mutual and friendly relations with China, it will be necessary to draw up an entirely new treaty, one which would annul all present treaties and conventions in force and which would embody a real instead of an apparent mutuality of interests. This, if done without further hesitation, will again secure for us that primacy in the foreign affairs of China which we once held but forfeited through our inexcusable indifference and delay in adjusting existing wrongs, and which, unless we act quickly, will be extremely difficult to regain.

Patriotism is one of the few universal virtues. It is found alike in the great powers as in nations that have been neutralized to preserve their identity. China possesses this inestimable quality no less than the United States, though in a far different degree. The patriotism of the Chinese is that higher patriotism which stimulates a Christian love for peace and a Roman love for order and for stability. By the teachings of their philosophy and their religion they hold the soldier in contempt, whereas we cover him with tinsel, set him upon a pedestal and worship him. In return we regard their abhorrence for war as an evidence of weakness and want of national character, yet, according to the religion which we ourselves profess to follow, the Chinese are right and we are wrong.

What has this to do with exclusion? Simply that by our regulations against the Chinese we have failed to take into account a proper appreciation of their national characteristics; that we have refused to recognize in them this essence of patriotism which has been so brilliantly illustrated within the last two years and in that quarter of the world where it was least expected. Not alone have we singled them out for exclusion from all the rest of mankind, but by the same laws we have denied them the right to citizenship, which act, unjustifiable in any sense whatsoever, is the sum total of indignity which one nation can heap upon another. All of this was very well in the days when China, under the Empress-Dowager was supremely content with herself and chose to be non-existent to Europe and America, but the days of seclusion, however, are past. This is an age of international stress and rivalry in commerce, politics and diplomacy, and which was made clear to China by the bitter humiliations of the Japanese war, the territorial aggressions of the powers and the Boxer rebellion. Forced to accept modern conditions or



suffer dissolution, China cast aside the shell of antiquity and by rapid, heartbreaking efforts has succeeded in attaining a position of eminence which henceforth will demand respect to this republic as a nation, a race, and a sovereign entity. No longer will it be possible to insult the Chinese with impunity, and the power that has the most to learn in this regard is the United States.

Our exclusion laws have proven a failure, not through the fault of the Bureau of Immigration, which is composed of excellent and efficient officers, but from the very nature of the regulations. The fact that our country is barred to them naturally makes the excluded class of Chinese all the more eager to enter, and to attain this purpose they resort to bribery, fraud, deceit, cunning, to all the manifold tricks which Americans themselves would employ if China were still the forbidden land. The result means disregard and contempt for the law in every successful instance, of which there are legion, for when an Oriental matches his wits against the Anglo-Saxon, it is a foregone conclusion who will get the better of the argument. According to the Commissioner General of Immigration, there "are some causes for congratulation and optimism, but many more reasons for feeling that the present statutes are wholly insufficient to maintain the long and frequently avowed policy of excluding from this country laborers of the Chinese race," and, "it must be realized and conceded that, unless some change is made in the law, such immigration will constantly increase in the future."<sup>31</sup> Thus by the admission of the highest officer in authority it is seen that our laws have failed in total exclusion, and by reason of such failure have nullified the only motive for their existence. Yet for this discredited system, incapable of rigid enforcement, and therefore useless, we are endangering our commerce, our friendly relations, our entire future in the Far East. It must not be supposed that China desires the coolie to emigrate. The republic, for the sake of its own prestige and interests abroad, prefers to keep him at home. But it is not to be expected that China will give a helping hand in solving our difficulties in the face of the unfair discriminations and colossal blunders that still remain on our statute books. The remedy is clear and simple; by following the suggestions discussed above by the writer, of repealing these ineffective laws and emulating Canada in imposing a sufficiently burdensome head-tax to keep out undesirable immi-

<sup>31</sup> *Annual Report of Commissioner General of Immigration, 1911. Washington, 1912, p. 143.*

gration, and by further limiting the number of arrivals on each ship or for each year, the question would rapidly solve itself, besides securing the hearty cooperation and good-will of both nations concerned. The result would be not only a cause for gratification but the knowledge that by such conciliatory and equitable means we have safely accomplished our purpose without giving offense to the Republic of China and without apology for or blemish to our national ideals.



## THE MINERAL RESOURCES OF CANADA<sup>1</sup>

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The mines and quarries of Canada during 1910, the latest year for which complete figures are available, yielded an output valued at \$106,823,623 and furnished employment to, exclusive of those engaged in the production of placer gold and petroleum, over 62,000 men earning more than \$37,000,000 in wages.<sup>2</sup> For 1911 the total value of the mineral production has been estimated at \$102,291,686, the decrease, as compared with the figures for 1910, being probably due to labor troubles in certain mining centers.

The following table indicates the rapid growth of the mineral industry since 1886, the first year for which complete figures are available:

TABLE 1.—VALUE OF ANNUAL MINERAL PRODUCTION OF CANADA

Year	Value
1886.....	\$10,221,255
1890.....	16,763,353
1895.....	20,605,917
1900.....	64,420,877
1905.....	69,078,999
1910.....	106,823,633

During the period of twenty-four years in part covered by the above table, the annual rate of mineral production increased tenfold and marked changes took place in the proportional amounts furnished by the regions now leading in mineral bearing. In 1886 over one-half of the value of the total mineral production was furnished by the region lying east of the St. Lawrence River, that is, by southeastern Quebec, New Brunswick and Nova Scotia. If the figures for structural materials and clay products are excluded,

<sup>1</sup>Published by permission of the Director of the Geological Survey of Canada.

<sup>2</sup>For these and other statistics see *Annual Report of the Mineral Production of Canada during the Calendar Year 1910*, by J. McLeish. Canada: Department of Mines.

the eastern region contributed two-thirds of the total, while only one-seventh came from British Columbia in western Canada.

In 1886 the coal production of the country amounted to only slightly over 2,000,000 tons. Of this total less than one-seventh was produced in western Canada and this small proportion was almost entirely furnished by the long-established coal mines of Vancouver Island. In the same year British Columbia yielded placer gold to the value of nearly \$1,000,000, but in this province lode mining was practically non-existent. In Ontario, in 1886, a small amount of copper was produced for the first time from the Sudbury deposits then being developed purely as copper mines, the valuable nickel contents of the ores not having yet been discovered. The petroleum and salt industries were firmly established in the southwestern part of the same province. In southeastern Quebec, asbestos deposits were being mined, but the total production was still comparatively low. The copper and sulphide ores of the same region were also being mined. In the Atlantic provinces of New Brunswick and Nova Scotia, the mining of gypsum, of gold and of coal was being actively prosecuted.

By 1895 the value of the total annual mineral production had doubled that of 1886. The mineral yield of each of the three chief mineral regions had increased, but at different rates. The output of the region lying east of the St. Lawrence amounted to only one-quarter instead of one-half of the total value of the mineral production, while British Columbia furnished one-third instead of one-seventh, and the output of the mineral-bearing, northern and western, portion of Ontario amounted in value to nearly one-tenth of the total.

The marked changes in the relative productions, for the year 1895, of the eastern and western parts of the country had been partly brought about by the discovery in British Columbia of the rich copper-gold ores of Rossland and of the widely distributed silver-lead deposits of the southeastern part of the same province. The changes in the proportion of the totals furnished by the different regions were due also in part to coal production, for though the coal mines of the eastern region still lead and yielded nearly three-fifths of the total tonnage, yet the higher prices received in the West raised the value of the coal produced on Vancouver Island to an amount nearly equal to that of Nova Scotia's yield. By 1895 the metallif-



erous region of northern and western Ontario had become more important, largely because of the impetus added to the development of the Sudbury region owing to the recognition of the valuable nickel contents of its copper ores.

In the five years from the close of 1895 to 1900, the mineral output of Canada trebled in value. In 1900 the eastern region furnished less than one-quarter, while the western region produced nearly two-thirds of the value of Canada's mineral output. The proportion furnished by northern Ontario had decreased to about one-twelfth. The marked advance in the production of 1900 over that of 1895 was due almost altogether to the notable increase of nearly \$25,000,000 in the value of the gold production; to an increase of \$6,500,000 in the value of the coal output; to an increase of over \$2,000,000 in the value of copper produced, and of nearly the same amounts in the case of lead and of nickel; and of about \$1,700,000 in the case of silver. The great increase in gold production was due very largely to the Klondike placer gold field discovered in 1897, the yield from this and adjacent fields amounting to \$22,275,000. The remaining increase in gold production was furnished mainly by the copper-gold mines of British Columbia. The main increase in the coal output came from the Nova Scotian fields, though the production of the western coal fields had increased at a greater rate. Nearly three-quarters of the increase of the copper output, and the whole of the increased output of lead and of silver was attributable to the development of the mining centers of southern British Columbia.

In 1910 the value of the total mineral production was over ten times larger than that of 1886 and was greater than that of 1900 by about \$42,000,000, an advance of over 60 per cent. In 1910, the proportion of the total value of the mineral output (excluding, as before, building materials and clay products) furnished by the above-mentioned three regions was very different from that of the earlier periods. Western Canada, including British Columbia and Yukon Territory, together with northern Ontario, furnished in value three-quarters of the mineral output of the country, and this large proportion was equally divided between the two regions. The country east of the St. Lawrence contributed only about one-fifth, not, as in 1886, two-thirds, of the total.

The increase in the value of the mineral production of 1910

over that of 1900 was due largely to the following increases: an increase of above \$13,000,000 in the value of structural materials and clay products; of nearly \$8,000,000 in the case of nickel; of about \$4,000,000 in the case of copper; of over \$15,000,000 in silver; of nearly \$2,000,000 in that of asbestos and of about \$17,000,000 in coal. Against these increases must be set a decrease in the gold production of over \$17,000,000, due to the greatly lowered output of the Yukon placer fields.

The marked decrease in the gold production of the western region of Canada combined with the large yield of silver from northern Ontario, derived almost entirely from the rich Cobalt field, and the increased copper and nickel production of the Sudbury camp in the same general district, had elevated the northern region to a rank equal with that of the western field. The great increase in the metalliferous output of these two regions had placed both of them far in advance of the eastern region whose chief product in 1910, as in 1886, was coal. But whereas in 1886 nearly the whole of Canada's coal production, then amounting to about 2,000,000 tons, was furnished by Nova Scotia, in 1910 almost exactly one-half of the total production of nearly 13,000,000 tons came from western Canada and in a large measure from coal fields unknown or unworked in 1886.

As may be seen from the tabular statement of the production for 1910 (see page 135), nearly one-third of the total value is to be credited to coal, a seventh to silver, a tenth to nickel and a tenth to gold. Approximately one-sixth of the total represents the value of structural materials and clay products which, though rightly credited to the mineral production of Canada, yet more nearly reflects the commercial development rather than the mining progress of the country.

Though the value of the annual production has now reached the large sum of over \$100,000,000 per year, yet there are reasons for believing that these figures very inadequately indicate the potential mineral wealth of Canada. By far the greater part of the country is still practically unprospected, its mineral wealth untouched. How little is actually known regarding the mineral possibilities of Canada has recently been clearly indicated by Mr. R. W. Brock, Director of the Geological Survey of Canada. He pointed out by way of an illustration that the country lying to the north of



Toronto would probably have been considered in 1902 as having been prospected considerably further north than Lake Timiskaming, yet at that date only a few miles west of this lake lay the undiscovered silver veins of Cobalt, whose production at the present day places Canada third in rank amongst the silver producing countries of the world.

The following is quoted from the same writer:

To realize the unprospected nature of the country, it is only necessary to remember that the greatest asbestos deposits of the world were brought to notice by blasting the Quebec Central Railway through them; that the greatest corundum deposits extending in a belt a hundred miles long, were found in a settled district by an officer of the Survey only twelve years ago (written in 1909); that the Sudbury nickel deposits were discovered by putting a railway through them; that Cobalt, now the premier silver camp, although only a few miles from one of the earliest routes of travel in the country, and only a few miles from a silver-lead deposit known a hundred and fifty years ago, was discovered less than six years ago, and then only by means of a railway cutting through a rich vein.

TABLE 2.—MINERAL PRODUCTION OF CANADA FOR 1910

Product	Value	Per cent of Total Value
Gold.....	\$10,205,835	9.55
Silver.....	17,580,455	16.45
Copper.....	7,094,094	6.64
Nickel.....	11,181,310	10.46
Lead.....	1,216,249	1.14
Pig iron and iron ore.....	1,975,035	1.83
Coal.....	30,909,779	28.93
Asbestos.....	2,573,603	2.49
Petroleum and natural gas.....	1,735,021	1.61
Gypsum.....	934,446	0.86
Structural materials and clay products.....	19,627,592	18.37
All others.....	1,790,204	1.67
	\$106,823,623	100.00

From what has been stated it is apparent that even the districts over which mining is now in progress can scarcely be said to be prospected and these districts form only a very small fraction of the 3,729,665 square miles of Canadian territory. In the imperfectly prospected and unprospected regions there is an almost unlimited area over which the geological conditions are similar to those

of districts of known mineral wealth. The presence of like geological conditions implies the existence of like mineral deposits, for experience has demonstrated that the mineral deposits of any given district have resulted, directly or indirectly, from the action of the same general forces that gave rise to the broader geological structures and features of the region. Therefore, in order to indicate approximately only the probable extent and value of the mineral resources of a country, it is necessary to give at least a broadly generalized description of its geological features.

Canada may be divided into six great regions, each distinguished by a certain uniformity of broadly developed physical and geological features and characterized by the presence of special types of mineral deposits. One region, known as the Laurentian Plateau, includes approximately one-half of the area of Canada. It extends, with constantly diverging east and west boundaries, from the districts about Lake Superior, northward to the Arctic Ocean. This great expanse of country, situated towards the center of Canada, is occupied almost exclusively by rocks of pre-Cambrian age, that is, belonging to the oldest of the great systems of strata exposed over the surface of the earth. Over considerable areas the ancient measures are preserved with many of their original characters, but over other great stretches of country the strata have been folded, contorted and greatly altered. They have also been penetrated and enclosed by large and small bodies of granitic rocks now laid bare over the greater part of the region as the result of great cycles of erosion that have largely swept away the original covering of pre-Cambrian strata. The region of the Laurentian Plateau is, on the whole, an unknown country, but it is presumably rich in mineral wealth, since within the relatively narrow limits of the southern, better known portions, are situated many mines producing nickel, copper, silver, gold, iron, mica, graphite, etc.

The great central area of the Laurentian Plateau is bounded, except along the North Atlantic coast of Labrador, by stretches of plain-like country in some places lying at sea level, in others rising to a considerable altitude. All of these areas are underlaid by nearly flat-lying, relatively undisturbed, sedimentary strata. These measures, during successive geological eras, were formed either in seas that surrounded and in part swept over the area of the Laurentian Plateau, or else were deposited in large bodies of fresh or



brackish water or over flood plains during intervals of time while the regions in question were temporarily freed from the invading seas.

The areas encircling the Laurentian Plateau are divisible into three geological provinces. On the north, the Arctic Archipelago extends far northwards towards the North Pole. On the west side, is the region of the Interior Continental Plain, the great wheat field of Canada. On the east side, lie the St. Lawrence Lowlands, bordering the lower Great Lakes and forming the valley of the St. Lawrence River. Within these three regions metalliferous deposits are almost entirely wanting, but their absence is in a measure compensated by the presence of petroleum, natural gas and salt districts and, in the Interior Continental Plain region, of immense stores of coal.

The two still undescribed major geological provinces form respectively the eastern and western portions of Canada. Both are mountain-built provinces characterized by the presence of sedimentary and volcanic strata which, laid down with horizontal attitudes during various eras from pre-Cambrian time onwards, have since been flexed and faulted and invaded by bodies of igneous rocks. The eastern geological province is known as the Appalachian region, and though much of the country may be truly termed mountainous, yet when compared with the western counterpart, it is more appropriately described as hilly. The western province is known as the Cordilleran region and includes the Canadian portion of the lofty, rugged, mountain systems that form the Pacific border of the whole length of the North American continent.

Both the Appalachian region on the east and the Cordilleran region on the west contain metalliferous deposits and coal-bearing strata, but the Cordilleran region is not only of much greater area, but is also much richer in mineral wealth. Within its bounds, in the northern portion, lie the world-famous gold fields of the Klondike. In the southern, better known portion of the region are many mining centers producing gold, copper, silver, lead, zinc, etc., while the region as a whole is rich in coal. The Appalachian region, though it is much poorer in coal than the western mountain province, yet annually produces nearly the same amount. The eastern region is also poorer in other respects, but contains the most important asbestos producing area in the world as well as notable deposits of copper, gold, iron, etc.

Of the six major geological provinces, all, except the Arctic Archipelago, at the present time contribute to the mineral production of the country. In the following table is presented a statement showing for each division the approximate value of the mineral yield, exclusive of structural materials and clay products. These figures should not be taken as directly indicating the relative mineral wealth of the various regions, for the annual production of a district depends largely on conditions that are in a considerable measure independent of the extent and value of its mineral resources. Among such governing factors may be mentioned the presence or absence of transportation facilities and all the long series of implied conditions.

TABLE 3.—MINERAL PRODUCTION (EXCLUSIVE OF STRUCTURAL MATERIALS AND CLAY PRODUCTS) BY GEOLOGICAL PROVINCES, FOR 1910

Product	Appalachian Region	St. Lawrence Lowlands	Laurentian Plateau	Interior Continental Plain	Cordilleran Region
Gold.....	\$166,456	.....	\$63,849	\$1,850	\$9,973,680
Silver.....	4,061	.....	16,241,755	.....	1,334,639
Copper.....	111,757	.....	2,453,213	.....	4,529,124
Nickel.....	.....	.....	11,181,310	.....	.....
Lead.....	.....	.....	.....	.....	1,216,249
Pig iron and iron ore.	123,849	.....	1,851,186	.....	.....
Coal.....	13,030,615	.....	.....	2,069,000	15,810,164
Asbestos.....	2,573,603	.....	.....	.....	.....
Petroleum and natural gas.....	1,826	\$1,658,027	.....	75,168	.....
Gypsum.....	672,217	67,229	.....	195,000	.....
All others.....	169,226	593,951	908,784	.....	118,243
Total.....	16,853,610	2,319,207	32,700,097	2,341,018	32,982,099
Per cent of total for Canada.....	19.3	2.6	37.6	2.7	37.8

One striking feature brought out by means of the above table is the practically complete absence of metalliferous deposits in the regions of the St. Lawrence Lowlands and the Interior Continental Plain, for the trifling gold production credited to the latter region is placer gold, whose ultimate source lies outside of this geological province. A second point worthy of emphasis is the large coal productions credited to the Appalachian region in the east and the Cordilleran region in the west. The Interior Continental Plain region in the near future will take rank as a coal-producing area



with these two regions; for the present active development of this great wheat-growing region will inevitably lead to an energetic exploitation of its extensive coal resources.

The *Appalachian Region* has an area of approximately 80,000 square miles and includes the three Atlantic provinces of Nova Scotia, Prince Edward Island and New Brunswick, and also a large part of that portion of the adjoining province of Quebec situated on the southeast side of the St. Lawrence River. The extent of the mineral resources of a not inconsiderable portion of this region is still practically unknown, although the area in general was colonized at an early date and was the scene of some of the earliest attempts at mining in Canada.

In the Appalachian region coal is by far the most important product of the mine, for it furnishes slightly over three-quarters of the total annual value of the mineral production of the region exclusive of building materials and clay products. The coal is all of the bituminous variety and in distribution is confined to Nova Scotia and New Brunswick. In 1910 these two provinces produced slightly more than 6,500,000 tons, or a little over one-half of the total tonnage produced in all Canada. Of the total production, about the whole came from four comparatively limited coal fields situated in Nova Scotia and nearly three-quarters of the amount was furnished by the Sydney coal field.

The presence of coal in Nova Scotia and New Brunswick was recognized by the French early in the seventeenth century, but it was not for a hundred years or more, or until about 1720, that serious mining operations were commenced. Since then the Nova Scotian fields have furnished more than 125,000,000 tons of coal, of which total over one-half was produced during the last twelve years.

It has been estimated that the reserves of easily mineable coal in the Nova Scotian fields exceed 6,000,000,000 tons and that the New Brunswick fields may contain about 150,000,000 tons. Future developments may show a greater reserve of coal in the different fields or even lead to the recognition of new fields, but it seems entirely probable that the total coal resources will eventually be proven to be of the above-stated order of magnitude, and that the present Nova Scotian fields will continue to be the chief producers.

Next to coal, asbestos is at present the most important mineral

product of the Appalachian region. The mining of this mineral is centered about the town of Thetford in southeastern Quebec, and from an area of a very few square miles is furnished the greater part of the total asbestos supply of the world. The commercial exploitation of the asbestos deposits commenced in 1878 and since then approximately 780,000 tons of asbestos valued at nearly \$30,000,000 have been produced. Though the present fairly constant yearly rate of production entails the annual quarrying of approximately 1,500,000 tons of asbestos-bearing rock, yet the deposits give no indications of failing and a long future life seems assured.

Closely connected with the asbestos deposits, both geographically and geologically, are two other classes of deposits, one yielding chromium, the other copper, sulphur, and minor amounts of gold and silver. The chromite deposits occur in the same district and in the same rocks as the asbestos. Though the ore bodies are in many cases of considerable magnitude, yet the annual production has never been large.

The copper and sulphur producing ore bodies are confined to a belt of igneous rocks extending in a northeasterly direction through southern Quebec for a distance of over 150 miles. At many points in this general district important deposits of this class are known to occur. The mining of these ores has been long established and, in the last twenty-five years the region has yielded over 65,000,000 pounds of copper. The present comparatively low annual production does not by any means indicate an approaching exhaustion of the field.

The gypsum deposits of the Appalachian region, according to the value of the present annual production, rank third amongst the mineral resources of the region. The production is largely from two centers, one in Nova Scotia, the other in New Brunswick, but large deposits occur in a number of other districts in these two provinces and also in the Magdalen Islands in the Gulf of St. Lawrence. In 1910 about 490,000 tons with a value of \$670,000 was mined, while in the last twenty-five years the total tonnage won from these almost inexhaustible deposits has been nearly 6,000,000 tons.

The gold production of the Appalachian region is derived almost entirely from the Nova Scotian gold fields. A trifling amount is obtained from the copper-bearing deposits of southeastern Quebec



and a small amount from certain placer deposits in the same general district. In the past, however, these placer deposits were a comparatively important source of the precious metal and the field even now is by no means exhausted. As already stated, the main gold production of the Appalachian region comes from the gold fields of the Atlantic seaboard of Nova Scotia. The gold occurs in quartz veins developed with a wonderful regularity of structure in very many districts over a general region of approximately 8,500 square miles. Since the discovery of the precious metal in this area in 1860, over 2,000,000 tons of quartz have been crushed, from which gold to the value of about \$17,500,000 has been extracted. The annual rate of production reached a maximum in 1898 and since then has rapidly declined, not because of dwindling ore reserves, but from a variety of other causes.

The above-described classes of deposits furnish nearly the whole of the mineral output of the Appalachian region. Though in Nova Scotia there are large iron and steel plants, yet of the iron ore required by these industries only a trifling proportion is supplied by the region itself. Iron ore deposits, however, exist at many points in Nova Scotia and have been worked for very many years. Comparatively recently a group of large iron ore bodies have been discovered in northeastern New Brunswick. These bodies, now being developed, are situated on the outskirts of a large tract of country that still remains practically unknown.

Among the minor amounts contributing to the total value of the production of the Appalachian region for 1910, that credited to petroleum represents the production of a natural gas field then in the course of development. The value of this gas and oil field has since been established and gives promise of developing into an important center. In the same district are large deposits of oil shales of known great value.

To the above-described list of deposits many other classes might be added, many of which are of much more importance than the figures of production would indicate. Some of these, such as the tungsten deposits recently discovered, associated with the gold-bearing veins in Nova Scotia, are of importance, not only because of their actual commercial value, but as indicating that the full value of the region as a mineral-bearing territory is not yet known.

A considerable production of manganese ores of exceptional purity was at one time furnished by Nova Scotia and New Brunswick. Ores of antimony have been produced from two centers. Valuable deposits of barite, also of talc, occur at widely separated points and have been mined to a certain extent. Lead ores occur in many districts.

Many valuable deposits of clay, shale, etc., suitable for the manufacture of brick, tile and other clay products, occur throughout the region. Slate, building and ornamental stones of many kinds occur in numerous districts and have, in places, long been worked.

The *St. Lawrence Lowland* region lies to the west of the Appalachian region, between it and the Laurentian Plateau. The region is the smallest of the six major geological provinces of Canada and has an area of approximately only 35,000 square miles. It consists of a series of plain-like areas situated in the provinces of Quebec and Ontario, and extending from Quebec City on the east, up the St. Lawrence valley and along the northern sides of Lakes Ontario and Erie.

As already pointed out, the St. Lawrence Lowlands neither contain metalliferous deposits nor coal. But the region is by no means lacking in mineral wealth, for from the relatively small area of Ontario projecting as a peninsula between Lakes Huron and Erie, there are annually produced gypsum, salt, natural gas and petroleum of the value of above \$2,000,000. The gypsum deposits are relatively the least important of these, though the annual production is steadily increasing and in 1910 amounted to a value of \$67,000.

The first oil field of the above-mentioned district was found in 1862 and since that date there has been a very large total production. The annual yield reached a maximum in 1894, when approximately 29,000,000 gallons of crude petroleum were refined. Since then the annual production has notably decreased and in 1910 was less than one-half of the above amount. While some of the smaller districts or oil pools have been comparatively short lived, the one first discovered, nearly fifty years ago, still produces a large proportion of the total annual yield.

The natural gas fields of Ontario are situated in the same general district as the oil-producing centers, but extend over a greater



area. Unlike the petroleum industry, the production of natural gas in recent years has shown a very marked advance. The yield in 1910 was estimated to have had a value to the producers of an amount exceeding \$1,300,000.

The salt beds of Ontario are known to underlie, though not continuously, an area of about 2,500 square miles bordering Lake Huron and Detroit River. The salt occurs at considerable depths beneath the surface. The amount present in the district in general must be enormous, for in places the beds are known to attain a thickness of 200 feet. The salt is secured in the form of brine by forcing fresh water down bore-holes to the salt beds. In 1910 the amount of salt produced from this area reached above 80,000 tons valued at over \$400,000.

The region of the St. Lawrence Lowlands contains large deposits suitable for the manufacture of brick, tile, cement and other structural and clay products. The value of the annual production of such materials is above \$10,000,000.

The *Laurentian Plateau* borders the St. Lawrence Lowlands on the west and is the largest of the great geological provinces, its area being approximately 2,000,000 square miles. This region includes the greater part of the provinces of Quebec, Ontario and Manitoba, a part of Saskatchewan and a very large part of the Northwest Territories. It centers about Hudson's Bay and is triangular in outline, the base of the triangle fronting on the Arctic Ocean while the apex lies far to the south in United States territory south of Lake Superior.

The region is still practically a wilderness and within its bounds are great stretches of territory that have been traversed only by the explorer perhaps along a single water route. The portions that with any reasonable degree of accuracy may be claimed to be known, merely form a narrow fringe along the southern margin of the region. Within this better, though very imperfectly known, portion are situated the greatest nickel-producing mines and the premier silver camp of the world. The possibilities in the way of mineral resources of this region will be further appreciated if it be added that in the limited portion of the region extending southwards into the United States are situated the richest copper camp and the most important iron ore producing area of the world.

Of the total mineral production of the Laurentian Plateau

in 1910, nearly one-half, or above \$16,000,000, is credited to silver produced from the Cobalt field of northern Ontario. Discovered as recently as 1903, this field has already produced silver to the value of \$65,000,000 and the annual rate of production continues to increase, though possibly nearing a maximum. The ores of the camp occur in exceedingly rich, narrow veins. From one vein, in no place more than eight inches wide, there was extracted from an open cut 50 feet long and 25 feet deep, ore to the approximate value of over \$200,000. The ores, besides containing native silver and compounds of silver with other elements, also contain large amounts of nickel, cobalt and arsenic. For 1910 it is estimated that the ore mined contained besides silver, 604 tons of nickel, 1,098 tons of cobalt and 4,897 tons of arsenic. It is stated that these ores form the principal source of the world's supply of cobalt. Some portion of the nickel contents is conserved, and in 1910 about 1,500 tons of arsenic were produced.

Nearly 500 miles west of Cobalt there is another silver-bearing region bordering Lake Superior. Though mining and development work has been carried on intermittently for nearly half a century, there is at present little or no silver being produced in the district. In the past the greater part of the production came from one mine which in a few years produced silver to the value of above \$3,000,000. As pointed out by various writers, the mode of occurrence of the ores of silver in this western district is not altogether unlike the condition holding at Cobalt, and this similarity has given rise to the not unreasonable expectation that ultimately other silver-bearing deposits will be discovered within the 500 miles of country intervening between the two silver-bearing districts.

Next in rank to the silver mines of Cobalt are the nickel and copper-producing mines of Sudbury. Noticed in 1856 and re-discovered in 1883, the Sudbury field has since produced above 150,000 tons of nickel and 100,000 tons of copper. The ores also carry small amounts of platinum and palladium. These mines produce a very large part of the world's annual supply of nickel and the known ore reserves are very great.

The two districts of Cobalt and Sudbury in 1910 furnished minerals to the value of nearly \$30,000,000, or approximately 90 per cent of the mineral production of the Laurentian Plateau. The remaining 10 per cent is derived from a large number of sources,



representing various products the present annual rate of production of which is not commensurate with their known value.

Chief amongst the relatively minor products is that of iron ore. In 1910 about 230,000 tons of iron ore were produced from the region, coming from widely separated fields, the most westerly one lying west of Lake Superior and the most easterly being situated to the north of the eastern end of Lake Ontario. Bodies of iron ore are known to occur in scores of districts in the southern portion of the area of the Laurentian Plateau; they have also been found along the east coast of Hudson's Bay, in the center of the Labrador Peninsula and indications of their existence are recorded from the great region lying west of Hudson's Bay. The known occurrences, though very numerous, are undoubtedly only a small proportion of the total number of such deposits. Although under present conditions the ores in general are not of grade and quality high enough to encourage extensive development works, yet there can be no doubt that in the near future many of the now neglected deposits will be mined.

Gold-bearing deposits have been found and worked at many points in the southern portion of the region over an area stretching for 650 miles in an east and west direction. The first discovery was made as early as 1866, but the total production since then has been considerably smaller than \$3,000,000. Recently new fields have been discovered and renewed interest is being taken in the older districts.

The Laurentian Plateau is a region especially rich in pyritic ores valuable for their sulphur contents. Some of the known deposits are very large though untouched. In 1910 the output of pyritic ores was valued at about \$84,000.

Corundum, valuable as an abrasive, occurs in large amounts over a district seventy-five miles long, in southeastern Ontario. Only recently discovered, the deposits in 1910 produced an amount valued at nearly \$200,000.

A large district bordering both sides of the lower Ottawa River contains many deposits of graphite, apatite and mica. The mining of these minerals has been long established, though the total production at present is not very large. In 1910 approximately 1,400 tons of graphite were produced, while the mica mined was valued at \$190,000.

Besides the copper deposits of Sudbury, copper ores are known to occur at various points, particularly in the districts bordering Lake Superior and Lake Huron. One such occurrence in the past produced a large amount of copper.

Ores of lead and of zinc occur at widely separated points. Deposits of exceptionally pure feldspar, of actinolite, of quartz and other valuable products are known and, in places, are being worked. The territory in general is rich in building and ornamental stones, including marbles of many varieties, and the beautiful blue mineral, sodalite, which occurs and is worked in eastern Ontario.

The region of the *Interior Continental Plain* borders the Laurentian Plateau on the west. It includes portions of the provinces of Manitoba and Saskatchewan, nearly the whole of Alberta, part of British Columbia, and extends northwestward through the Northwest Territories towards the Arctic Ocean. Along the international boundary this geological province has a width of approximately 750 miles and, with converging boundaries, it extends northwards for more than 1,100 miles. Its area is approximately 500,000 square miles.

Like the St. Lawrence Lowlands, the region lacks metalliferous wealth, but, on the other hand, is very rich in coal, it having been estimated that within the region there is at least 500,000,000,000 tons of mineable lignite. The lignite seams occur in various districts over the southern part of Saskatchewan and in many areas over nearly the whole of Alberta. In all, the areas containing mineable coal have been estimated to extend over 24,000 square miles, but coal seams doubtless underlie a total area much larger than this, though perhaps too deeply buried to be profitably mined. In 1910 approximately 900,000 tons of coal, all lignite, were produced from the region. The rate of annual production will undoubtedly show very marked increases for some time to come, concurrent with the rapid settlement of the territory now taking place.

Gypsum and natural gas are the only two products besides coal and structural materials that now contribute to the annual yield of the region. Deposits of salt occur and have been worked from time to time. Indications of the existence of petroleum are widespread over the western part of the region, and in the north, tar impregnated sands outcrop along the rivers for miles at a time.

The gypsum-producing area is situated in Manitoba, and in



1910 the output was valued at \$195,000. Natural gas to the value of about \$75,000 was produced in 1910, but the production is being rapidly increased and as yet is practically confined to one small district in southern Alberta. The present production in no way indicates the capacity of the region in general, for large reservoirs of natural gas undoubtedly exist at many places throughout the whole length of Alberta.

Deposits suitable for the production of brick, tile, cement, etc., occur at many points and, as a result of the rapid growth of population, are becoming of increasing importance.

The *Cordilleran Region* bounds the Interior Continental Plain on the west and extends to the Pacific. The region has an average width of about 400 miles and stretches from the international boundary northwards for 1,500 miles to the Arctic Ocean. The region includes nearly the whole of British Columbia, all of Yukon Territory and part of the Northwest Territories; its area is approximately 650,000 square miles.

The Cordilleran region furnishes two-fifths of the total tonnage of coal annually mined in Canada; almost all the gold; practically all the lead and nearly three-fifths of the copper. Like its great rival, the Laurentian Plateau, the Cordilleran region is exceedingly rich in metalliferous deposits, but, unlike the eastern geological province, it also possesses vast stores of coal. As in the case of the Laurentian Plateau, the western geological province is essentially an undeveloped, unprospected region. As yet only over a very limited area in the extreme south, and to a lesser degree along the Pacific coast and the eastern border of the region, has prospecting advanced beyond the initial stages. Though much of the territory is still virtually unknown, the broader geological features have been determined and sufficient knowledge has been gained to firmly establish and warrant the belief that the region must be extremely rich in mineral wealth. Even at present, when traveling facilities, and therefore prospecting, are limited within relatively narrow limits, not a year passes without the discovery of deposits or mineral districts of importance.

The annual production of coal furnishes, in value, nearly one-half of the mineral production of the region, and in 1910 amounted to nearly \$16,000,000. Of this amount less than one-quarter was furnished by the coal fields of Vancouver Island. Nearly the whole

of the remainder came from coal fields situated in the east, in the Rockies or the foothills. Coal basins have been found at intervals from the international boundary northward along the range of the Rockies for a distance of 675 miles. The coal of these basins is bituminous in quality except in one limited field, where it is anthracitic. Many of these eastern coal basins are of large size and contain a number of thick seams. In one field the width of the outcropping coal is measured in terms of hundreds of feet. Basins containing lignite, and in one large district anthracite, occur throughout the length of the central part of the Cordilleran region. As already mentioned, coal basins occur on Vancouver Island; coal also occurs on the Queen Charlotte Islands. In all it has been estimated that the Cordilleran region contains 50,000,000,000 tons of mineable coal (mainly bituminous), but even these figures are probably much too small, for each year sees the discovery of a new field or the further extension of an old one.

The Cordilleran region has long been, and probably always will continue to be, the great gold-producing area of Canada. Much of the gold has come from placer deposits and, in all, the region has produced in the neighborhood of \$220,000,000 in gold. Since the discovery of the first placer fields between 1855 and 1857, there has been a long series of discoveries of auriferous gravels, the most important of recent years being that of the Klondike in the Yukon Territory. This northern field was discovered or announced in 1896 and in the following years took place a rush of gold seekers from all parts of the world. In 1900 the Klondike produced its maximum yield, amounting to \$22,275,000. Of late years the total production of this and other relatively minor fields in the Yukon, has annually amounted to about \$4,500,000, while the yield of the British Columbian placers has been somewhat less than \$500,000.

The present annual gold yield from placer fields is almost equaled by the gold produced by lode mining. A considerable part of this is the product of free milling ores chiefly from one field in the neighborhood of Nelson, B. C. But about three-quarters of the total is from mines producing ores containing copper and some silver as well as gold. The mining of such ores commenced only as late as 1893, but since that date gold to the value of \$70,000,000 and copper of about the same total value have been produced. Of this large total, a very large proportion is the product of a single



group of mines at Rossland in southern British Columbia. A second great copper-gold producing district is that of the Boundary district, centering about Phoenix, which in 1910 produced over 1,660,000 tons of ore containing gold to the value of above \$1,500,000 and copper worth \$3,800,000. Another large copper-producing district is situated on Howe Sound on the Pacific coast. In 1911, from one mine in this field, more than \$1,000,000 of copper besides considerable silver was produced.

Numerous other properties producing chiefly copper and gold, or copper and silver, occur in the better known portions of the region in southern British Columbia, along the Pacific coast, in the northern portion of British Columbia and in Yukon Territory. Not a year passes but new discoveries of importance are made.

An important element in the production of the Cordilleran region is the silver lead ores of a very large area, in southeastern British Columbia, that stretches eastward for many miles from the Arrow Lakes. One district, the Slocan district, produces annually above 6,000,000 pounds of lead and from 700,000 to 900,000 ounces of silver. Another district, the Fort Steele district, produces over 23,000,000 pounds of lead and nearly 600,000 ounces of silver. Some of the deposits in this general area are rich in zinc ores and a considerable, though not very large, production of zinc is furnished by the various districts. Practically all the lead produced in Canada comes from this Cordilleran area. The annual production has ranged during the last few years from above 60,000,000 pounds to less than 20,000,000 pounds, and the total production since 1893 amounts to above 650,000,000 pounds.

In the silver-lead districts, especially in the territory about Kootenay Lake, are many deposits rich in silver with minor amounts of copper, etc. Deposits of this general class also occur in northern British Columbia and Yukon Territory.

Iron ore deposits of value occur in the region and have been mined to a limited extent. Ores of mercury have also been mined. Platinum occurs in some of the placer deposits and a small amount is annually produced. Tin deposits have been reported. The region is undoubtedly rich in building and ornamental stone and the necessary material for the production of clay products and cement.

The *Arctic Archipelago* is the only one of all the major geologi-

cal provinces of Canada that at present does not contribute to the annual mineral production. It embraces a very large region believed to be geologically not unlike the Interior Continental Plain. It is known to contain deposits of coal and presumably is lacking in metalliferous deposits.

In conclusion, it may again be pointed out and as the above brief review indicates, that the mineral industry of Canada as a whole is still in an initial stage. Only in the comparatively limited area extending eastward from the St. Lawrence valley is the annual production in any way commensurate with the known mineral resources of the country. And even in this eastern region, the discoveries of recent years have indicated the existence of previously unsuspected classes of mineral deposits. Over nearly the whole of the vast area of Canada the mineral resources at present being developed are confined to very limited areas bordering the main routes of travel. Even within these circumscribed areas it is indisputably known that great stores of mineral wealth still lie untouched or undiscovered.



## MINING LEGISLATION IN CANADA

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Many of the disputes between the United States and Canada concerned fishing rights, and the fisheries of Canada are certainly valuable. Few, however, realize that the mines of the Dominion are already entitled to credit for a production exceeding that of the fisheries and lumber industry combined.

For some years past, those interested in the development of the increasingly important mining industry of Canada have urged the adoption by the Dominion Parliament of a federal mining law, which would have the force and stability of statutory enactment. At present, placer mining in the Yukon Territory is governed by the Dominion statute known as the Yukon placer-mining act. All other mining under federal jurisdiction is governed by orders in council and ministerial regulations.

In the earlier stages of development, it is perhaps inevitable that these important matters should be so dealt with; but it is now felt that the time has come when mining rights in the extensive regions under federal control should be put on a permanent basis, and that any changes required from time to time should be made only after full and open discussion in Parliament.

A short sketch will suffice to indicate how vast and varied the interests affected really are.

When the Dominion of Canada was constituted by the imperial statute known as the British North America act of 1867, which came into force by proclamation on July 1st of that year, it comprised only the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick; but provision was made for the subsequent inclusion of Newfoundland, Prince Edward Island, British Columbia, Rupert's Land and the Northwest Territories. Subsequently Rupert's Land and the Northwest Territories were acquired, the Crown Colonies of British Columbia and Prince Edward Island were admitted, and all the other British territories and possessions in North America,

with the islands adjacent thereto, except Newfoundland and its dependencies, were annexed to Canada by Great Britain.

Canada, consequently, now comprises the whole of the northern half of North America, except Alaska, Newfoundland and that portion of Labrador which constitutes a dependency of Newfoundland. All lands, mines, minerals and royalties belonging at the time of the union to the several provinces of Canada (Ontario and Quebec), Nova Scotia and New Brunswick, are declared to belong to that one of the said provinces of Ontario, Quebec, Nova Scotia and New Brunswick, in which the same are situated or have their legal origin—subject, however, to any trusts existing in respect thereof or any interest therein other than that of the province.

Each of the provinces named has exclusive jurisdiction to make laws for the management and sale of its public lands and of the timber and wood thereon, and also as to property and civil rights in the province.

When discussing the extent of this jurisdiction, Mr. Justice Riddell, in *Florence v. Cobalt*, said:

"This is a matter of property and civil rights, by the B. N. A. act this is wholly within the jurisdiction of the legislature of the province; in matters within their jurisdiction, the legislatures have the same powers as Parliament, and the power . . . of Parliament is so transcendent and absolute, that it can not be confined, either for causes or persons within any bounds. . . . It has sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws concerning matters of all possible determinations. (Blackstone, Commentaries I, p. 160.) . . . 'Within the jurisdiction given the legislature of the province, no power can interfere with the legislature, except of course the Dominion authorities, which interference may occasion disallowance. There is no need of speaking of the paramount power of the imperial Parliament.'"

"In short, the legislature within its jurisdiction can do everything that is not naturally impossible, and is restrained by no rule, human or divine": and later in his judgment the learned judge said, "We have no such restriction upon the power of the legislature as is found in some of the States."

With some exceptions, not necessary to be here specified, the same rules were made applicable to Prince Edward Island and



British Columbia. But very different conditions and regulations obtain in the remaining parts of Canada.

Under the sanction of an imperial statute, the Dominion of Canada obtained a surrender of the lands and territories granted by Charles II in 1670 to the Governor and Company of Adventurers trading into Hudson's Bay, known as the Hudson's Bay Company; and Rupert's Land and the Northwest Territories were consequently admitted into the Dominion as of July 15, 1870.

When the Provinces of Manitoba, Saskatchewan and Alberta were formed, the lands, mines and minerals, with slight exceptions, were not transferred to the provinces, but remained the property of the Dominion of Canada and subject to federal jurisdiction and control.

The proposed federal mining law must deal with the mines and minerals of these three provinces, of all the territories, including the Yukon Territory, and of certain areas of the older provinces, principally the Indian lands and railway belts of British Columbia. It must, therefore, deal with placer-mining, coal, natural gas, oil, petroleum, gold, silver, copper and the other minerals. The whole field must be covered and every problem of mining law solved.

The framing of this general law is regarded by mining men as supremely important, not only on account of the great interests actually and potentially involved, but also because it is looked upon as the first step towards the unification of the mining laws of Canada. The vital importance of such completeness, wisdom and practical convenience being embodied in the federal statute as will recommend it to the several provinces for voluntary adoption is therefore self-evident.

While the Dominion has no jurisdiction over the mining laws of the provinces which own mining lands, it is hoped that the provisions of the federal law, by reason of their excellence and efficiency, will gradually be adopted by the various provinces.

In this connection a striking instance of concerted action by independent jurisdictions may be mentioned. Some years ago an exceedingly well-drawn act, which had become law in Great Britain, dealing with bills of exchange and promissory notes, was passed by the Dominion Parliament, which in Canada has jurisdiction over the subject matter, and by a majority of the state legislatures of the United States, so that it may now be said that this statute governs the greater part of the English-speaking world.

There is no reason why advantages similar to those which have been thus secured by the mercantile communities of Great Britain, the United States and Canada should not be obtained by the mining world.

At the present time, a discussion of the fundamental principles upon which such a mining law as is proposed should be based, and of the merits and deficiencies of such codes as that of Mexico, would be interesting and instructive, as bringing together, in useful form, the results of close observation and varied experience with the mining laws of the world.

There is no danger that any form of the so-called "apex law" will be again introduced into Canada. That law was copied under the influence of miners from the Pacific states, by British Columbia, but was finally abolished April 23, 1892, since which date the rights of the holder of a mineral claim are confined, in British Columbia, as in all other parts of Canada, to the ground bounded by vertical planes drawn through its surface boundary lines. The vested rights of claim-owners who had located their claims under former acts were protected; and the "apex law" in British Columbia, as elsewhere, has given rise to costly litigation, which seems inherent in the system of extra-lateral rights.

There are, however, other important questions to be discussed, such as how adequately to protect the prospector without at the same time introducing the danger of "blanketing;" the function of discovery in the acquisition of mining title; the most useful forms of working conditions, and the most efficient methods of enforcing such regulations. Last, but not least, the ever-present and ever-troublesome questions of taxation and royalties must be considered.

In dealing with these problems, Canada has, fortunately, the opportunity of taking full advantage of the results of mining codes in other countries and of her own unique experience of various systems of law.

The common law of England was introduced into the greater part of Canada. Space will not permit even a bald outline of the queenly features of My Lady of the Common Law. Her virtues have recently been eloquently commended by one of her most distinguished Knights, Sir Frederick Pollock, in his most recent publications.

Suffice it now to say that she has ever been the faithful friend



of liberty and justice, which, as Alexander Hamilton well said, is the end of government.

One must, however, lament that on this continent the gladsome light of her jurisprudence is often darkened by crude technicalities and by multiplying statutes of multitudinous legislatures, amended until the confusion of ill-considered legislation is often rendered more confounded.

That the reference to the common law is not merely a matter of antiquarian curiosity, but of present practical importance to the mining men of Canada, is sufficiently indicated by the fact that the rules laid down in the sixteenth century by the Justices of Queen Elizabeth, in the mines case, were successfully invoked in the nineteenth century, before their lordships of the Judicial Committee of Queen Victoria's Privy Council, in the precious metals case from British Columbia; and in the twentieth century before the judges of Queen Victoria's successor, Edward the Peace Maker, in the ophir case from Ontario.

In giving judgments in the latter of these cases, Sir John Boyd, Chancellor of Ontario, as reported in *Ontario Mining Company v. Seybold*, 31 Ontario Reports (1899), at page 399, used the following language:

"According to the law of England and of Canada, gold and silver mines, until they have been aptly severed from the title of the Crown are not regarded as '*partes soli*' or as incidents of the land in which they are found. The right of the Crown to waste lands in the colonies and the baser metals therein contained, is declared to be distinct from the title which the Crown has to the precious metals, which rests upon royal prerogative. Lord Watson has said in *Attorney-General of British Columbia v. Attorney-General of Canada* (1889), 14 App. Cas., at pp. 302, 303, these prerogative revenues differ in legal quality from the ordinary territorial rights of the Crown. These prerogative rights, however, were vested in Canada prior to the Confederation by the transaction relating to the civil list which took place between the Province and Her Majesty—the outcome of which is found in 9 Vict. ch. 114, a Canadian statute, which being reserved for the royal assent, received that sanction in June, 1846. The hereditary revenues of the Crown, territorial and others then at the disposal of the Crown, arising in the United Province of Canada were thereby surrendered in consideration of provisions being made

for defraying the expenses of the civil list. So that while the Crown continued to hold the legal title, the beneficial interest in them as royal mines and minerals, producing, or capable of producing revenue, passed to Canada. And being so held for the beneficial use of Canada they passed by section 109 of the British North America act to Ontario by force of site." On appeal to the Judicial Committee of the Privy Council, this judgment was affirmed.

The mining laws of Canada have been influenced, not only by the common law of England, but also both directly and indirectly, through the United States, by the customary rights of the bounders of Cornwall and Devon, by the sturdily asserted rights of the free miners of the Forest of Dean, and the Hundred of St. Briavel in Gloucester, and by the curious local customs according to which the lead mines of Derbyshire have been worked from time immemorial. These customs, as declared by the Imperial Parliament, were sanctioned by legislation; and the curious will find an interesting discussion of them in the judgments of the House of Lords in *Wake v. Hall*, 8 Appeal Cases, 195.

The analogy of one feature of the mining law of Cornwall has recently been followed to a considerable extent in Ontario, with very beneficial results, by the appointment of a judicial officer, known as the Mining Commissioner, who is clothed with very extensive authority and jurisdiction to determine mining disputes.

The Stannary Court exercised jurisdiction over the tinnerns in Cornwall, who forced recognition of their immemorial rights from King John. The jurisdiction of the Stannary Court extended to all suits, with certain exceptions where land, life or limb was involved, between miners, even though the cause of action did not arise from the working of the mines within the stannaries; and also to actions between miners and strangers, but in such cases, only to actions arising out of mining within the stanneries, unless the stranger attorned to the jurisdiction. The exceptions to the jurisdiction of the Stannaries Court, above referred to, were expressed in the famous Charter 33 Edward the First, granted to the miners in the words, "*exceptis placitis terrae et vitae et membrorum.*"

The leading rules of the mining law of the Province of Quebec were mainly derived from the French law, which in turn, was founded on the Roman. The civil law, though greatly modified, is still in force in the Province of Quebec. The rules of the later Roman law



were in force in Gaul at the time of the disruption of the Roman Empire, and were retained by the Gauls, dominating, not by reason of imperial power, but by the imperial power of reason.

These rules were brought by the French to the peaceful banks of the St. Lawrence, which were not disturbed by the thunders of L'Assemblée Nationale, or by its law of 1791, which declared, "*Les mines sont à la disposition de la nation.*"

Many mining men came to British Columbia from California, where parts of Spanish mining laws were still in force; and, beyond question, the laws of Spain have been indirectly a factor in moulding the mining laws of Canada.

In a very able and useful address before the Society of Arts in London, England, Dr. James Douglas has discussed the effect of the land and mining laws of the United States upon its marvelous development. One may be allowed to express the hope that Dr. Douglas will extend his exposition across the boundary line, so that his native country may, in connection with the revision, consolidation and codification of its mining laws, obtain the benefit of his penetrating insight, keen analysis and ripe experience.

In Canada there are immense deposits of economic minerals to reward the explorer, the miner and the investor. If Canadians choose, in perfecting their mining laws, they have at their disposal a marvelous wealth of experience, rich with the spoils of time and with the reasoned conclusions of the great systems of jurisprudence which have contributed most to civilization and to human progress.

The hope may be expressed that the legislators of this continent will constantly bear in mind the words of one of the greatest living authorities on jurisprudence, from whom I have already quoted, Sir F. Pollock, who states as the criteria of just laws in a civilized community: "Generality, equality and certainty," these three, but from the standpoint of the mining industry, the greatest of these is surely "certainty."

## CANADIAN BANKING

By H. M. P. ECKARDT,

Author of "A Rational Banking System" and "Manual of Canadian Banking."

It was remarked by an American writer a few years ago, when the tide of immigration had begun to run strongly towards the prairie provinces, that the capacity of the Canadian banking system would be severely tested by the abnormal influx of population. Railway construction was active; and many of the newcomers, especially the farmers from the western states, were large-scale producers. So there has been continuous need of extensive banking facilities. The following table shows the growth in ten years of the four western provinces:

Provinces	Population		Increase Per cent
	1911	1901	
Alberta.....	374,663	73,022	413
British Columbia.....	392,480	178,657	120
Manitoba.....	455,614	255,211	79
Saskatchewan.....	492,432	91,279	439
Total.....	1,715,189	598,169	187

Western Canada's increase of population in the decade was 1,117,020, which figure represented about 61 per cent of the increase shown by all Canada.

It will be interesting now to see whether the banking development in the western half of the Dominion has kept pace with the growth of population. The banking offices in the four provinces in 1911 and 1901, respectively, were:

Provinces	Banking Offices		Increase Per cent
	1911	1901	
British Columbia.....	211	46	359
Manitoba.....	192	52	269
Alberta.....	220	30 <sup>1</sup>	1,633 <sup>1</sup>
Saskatchewan.....	320		
Total.....	943	128	637

<sup>1</sup> In 1901 Alberta and Saskatchewan were both comprised in the Northwest Territories.



This table shows that so far as number of banking offices is concerned, the increase has been relatively greater than the increase of population. While the population has scarcely trebled, the number of bank offices has increased six-fold.

In order that the reader may grasp the full significance of the details which follow, it is advisable to describe the nature of the banking offices here referred to and the services they perform for the public. It will be remembered that when the western states were passing through the stage in which the western Canadian provinces now are, their financial needs were looked after by a large number of private bankers and small banks. Many of the small banks were run as side lines by enterprising real estate and loan agents. Rates of interest were very high,  $1\frac{1}{2}$  and 2 per cent a month being the regular charge in most small places. In numberless cases these so-called private bankers amassed wealth through acquiring on their own terms the land of unfortunate debtors who were crushed by the usurious rates of interest. These conditions, be it remembered, were in evidence in many of the small places. In the larger towns there was more competition, the banks possessed a greater capacity for lending and the borrowers had a better chance. But rates were high there also, as much of the paper had to be rediscounted in the East at seven per cent or thereabouts.

The banking offices established in western Canada are not at all of this description. Twenty-one banks operate the 900 odd branches established in the western provinces at the end of 1911. Roundly one-third of the whole number are accounted for by two institutions—the Union Bank of Canada and the Canadian Bank of Commerce. At the end of 1911 the Union had 160 branches in western Canada and the Commerce had 147. Since then both have established a considerable number of new branches, and the Commerce acquired the fifteen western branches of the Eastern Townships Bank when it absorbed that institution on March 1, 1912. According to the government bank statement, as of October 31, 1912, the total resources of the Commerce were \$242,390,445, and the resources of the Union were \$69,782,860.

Following these two leaders are the Merchants Bank of Canada, assets \$85,180,283, and seventy-seven western branches as at the end of 1911; the Bank of Hamilton, assets \$48,445,752, and seventy-seven western branches; the Northern Crown Bank, assets \$21,914,693, and

seventy-six western branches; the Royal Bank of Canada, assets \$174,593,141, and sixty-three western branches; the Imperial Bank of Canada, assets \$79,215,380, and fifty-six western branches; the Bank of Montreal, assets \$237,182,345, and fifty western branches; the Bank of British North America, assets \$65,762,227, and fifty western branches; the Bank of Toronto, assets \$58,731,059, and thirty-one western branches; the Dominion Bank, assets \$76,098,111, and twenty-five western branches; the Bank of Ottawa, assets \$51,388,311, and nineteen western branches; the Standard Bank of Canada, assets \$40,583,318, and fifteen western branches.

These thirteen banks accounted for 846 of the western branches; the remaining ninety-seven were established by ten other banks, two of which have since been absorbed. By its absorption of the Traders Bank of Canada on September 1, 1912, the Royal Bank of Canada acquired the twenty-three western branches of the Traders.

A number of the banks which are assisting to develop the western provinces in the financial way, and which are not included in the above list, are large and powerful concerns. Thus the Bank of Nova Scotia has assets of \$67,279,856; the Molsons Bank, \$52,221,410; the Quebec Bank, \$12,607,646; the Banque d' Hochelaga, \$30,610,804; the Home Bank of Canada, \$12,899,410. But they each had less than ten branches in the West at the end of 1911. It is to be remembered, too, that practically all of the above-named banks have extensive branch systems in the East as well. Not a few of them have more branches in the East than in the West. The total of bank branches in eastern Canada as yet exceeds the branches in western Canada by about seven hundred. Another point to be carefully noted is that the chief executive office and the control lies in the East in all cases except two. The Union Bank of Canada and the Northern Crown are the only two banks with head offices in the West. The first-named of these institutions was organized and had its head office in the City of Quebec; its stock is held chiefly in the East. But the western business of the bank ultimately assumed such vast proportions as to cause the removal of the head office to Winnipeg a little over a year ago. As the western business of the other eastern banks developed to large proportions, they appointed western superintendents, western inspectors, western supervisors and other executive officers to be domiciled at the western centers.

The foregoing figures give a clear idea as to the kind of banking



offices that have been established in communities of new settlers and in the rapidly growing cities and towns of the West. Before describing the services which the bank branches perform for the public, it will be well to show in what kind of places the bank branches are located. It has often been observed that even under the poorest of banking systems the large towns and cities will be given fairly good banking facilities. But it is only under the soundest and best systems that the small towns and villages get adequate facilities at fair and reasonable cost. Now let us see in what manner the banking offices in western Canada are distributed. A series of tables will set out the particulars so as to be most easily understood:

BANK OFFICES IN THE CITIES

Province	No. of Cities	Aggregate Population	Bank Offices	Inhabitants per Bank
Alberta.....	6	90,252	61	1,480
British Columbia.....	25	203,684	142	1,434
Manitoba.....	4	163,249	65	2,511
Saskatchewan.....	4	62,294	42	1,483
West Canada.....	39	519,479	310	1,676

It will be noted that roughly one-third of the bank offices in western Canada are in the cities. In this class there is an average of 1,676 inhabitants per bank office. In my book "A Rational Banking System," thirty-four of the principal cities in the United States were taken as regards their bank offices and population as in 1908; and the average number of inhabitants per bank office for

BANK OFFICES IN INCORPORATED TOWNS

Province	No. of Towns	Aggregate Population	Bank Offices	Inhabitants per Bank
Alberta.....	27	25,881	55	471
British Columbia <sup>2</sup>				
Manitoba.....	24	26,926	47	573
Saskatchewan.....	50	37,504	97	387
West Canada.....	101	90,311	199	454

<sup>2</sup> British Columbia's population according to census report is all contained in the cities and large electoral districts.

the thirty-four cities was 9,700. Des Moines, with a bank office to every three thousand inhabitants, had the lowest average; and the figures ranged from that up to the average of 27,400 in the case of New York.

Taking the towns next, the table on page 161 shows results.

Relatively to population, the 101 towns in western Canada, have about four times as many bank offices as the cities. The average town is a place with about nine hundred inhabitants.

Finally, we arrive at the incorporated villages, which in western Canada are usually very small places.

BANK OFFICES IN INCORPORATED VILLAGES

Province	No. of Villages	Aggregate Population	Bank Offices	Inhabitants per Bank
Alberta.....	82	26,779	70	383
British Columbia <sup>3</sup>				
Manitoba.....	21	10,190	20	509
Saskatchewan.....	195	31,596	151	209
West Canada.....	298	68,565	241	284

Relatively to population the villages again have more banking offices than the towns. Now, bearing in mind the high standing of each individual bank office and the vast extent of its potential resources (in every case the signatures of the duly accredited officers at the branch, on drafts and other such documents, bind the bank), take particular note of the following.

The average incorporated town in western Canada has about nine hundred inhabitants and two banks; the average incorporated village has 230 inhabitants, and, we might say, one bank—for there is an average of 284 people to each banking office.

That certainly is a remarkable showing. On the average basis practically every one of the towns with 900 population has effective competition in the form of two branch offices of great and powerful banks; and four out of every five villages of 284 souls, have a branch office of a big bank. When these small places in Alberta and Saskatchewan are taken according to actual facts, instead of on the average basis, the showing is even more impressive. Here is a list

<sup>3</sup>See foot note to table on towns.



of villages in each of which two great banks were competing for the business of the villagers and of the farmers in the surrounding district at the end of 1911. The names of the villages will, of course, possess no particular meaning or significance for American readers; the population in each case is the significant thing:

## VILLAGES IN ALBERTA AND SASKATCHEWAN WITH MORE THAN ONE BANK

Village	Population	Banks
<i>Alberta:</i>		
Alix.....	267	Union, Quebec.
Athabasca.....	227	Imperial, Royal.
Bassano.....	540	Commerce, Union.
Brooks.....	486	Merchants, Union.
Carmangay.....	286	Commerce, Hamilton.
Carstaris.....	270	Merchants, Union.
Castor.....	1,659	Merchants, Traders.
Granum.....	250	Commerce, Hamilton.
Gleichen.....	583	Commerce, Traders.
Lloydminster.....	222	Commerce, Northern Crown.
Munson.....	92	Merchants, Traders.
Staveley.....	245	Commerce, Hamilton.
Strathmore.....	531	Commerce, Union.
<i>Saskatchewan:</i>		
Bounty.....	59	Commerce, Union.
Dundwin.....	239	Hamilton, Northern Crown
Govan.....	390	Quebec, Northern Crown.
Grenfel.....	709	Dominion, Hamilton.
Gull Lake.....	606	Merchants, Union.
Halbrite.....	239	Standard, Weyburn.
Herbert.....	559	Commerce, Union.
Kerrobert.....	320	Commerce, Union.
Luseland.....	104	Royal, Union.
McTaggart.....	134	Standard, Weyburn.
Midale.....	156	Standard, Weyburn.
Radville.....	233	Commerce, Weyburn.
Rosetown.....	317	Royal, Union.
Wynard.....	515	British, Imperial.
Zealandia.....	264	Royal, Union.

To complete the picture I am adding a list of the Alberta and Saskatchewan villages with population less than 100, each one having a branch of a big bank. (See page 164.)

It will be noted that when the banking offices established in all the cities, towns, and incorporated villages, are taken, they do not account for the whole number of bank branches actually in operation in the four provinces. The total number of offices in the cities,

BANKING POINTS IN ALBERTA AND SASKATCHEWAN WITH POPULATION LESS THAN 100, AND NOT INCLUDED IN THE FOREGOING TABLE

Village	Population	Bank, with Assets of
<i>Alberta:</i>		
Barons .....	75	Union.....\$69,000,000
Islay .....	90	Merchants..... 85,000,000
N. Norway .....	61	Merchants..... 85,000,000
Penhold .....	94	Standard..... 40,000,000
<i>Saskatchewan:</i>		
Adanac .....	73	Union..... 69,000,000
Belle Plain .....	82	Hamilton..... 48,000,000
Churchbridge .....	90	Toronto..... 58,000,000
Colgate .....	95	Weyburn..... 1,000,000
Duval .....	81	Northern Crown... 21,000,000
Girvin .....	39	British..... 65,000,000
Goodwater .....	75	Standard..... 40,000,000
Gr. Coulee .....	82	Hamilton..... 48,000,000
Ituna .....	95	British..... 65,000,000
Jansen .....	63	Union..... 69,000,000
Kinley .....	51	Northern Crown... 21,000,000
Lampman .....	96	British..... 65,000,000
Laura .....	82	Northern Crown... 21,000,000
Maidstone .....	97	Standard..... 40,000,000
Marquis .....	88	Hamilton..... 48,000,000
Netherhill .....	80	Union..... 69,000,000
Osage .....	72	Hamilton..... 48,000,000
Pelly .....	82	Toronto..... 58,000,000
Punnichy .....	73	British..... 65,000,000
Stornoway .....	52	Northern Crown... 21,000,000
Summerberry .....	79	Toronto..... 58,000,000
Tessier .....	65	Union..... 69,000,000
Tompkins .....	90	Union..... 69,000,000
Venn .....	58	Northern Crown... 21,000,000
Viscount .....	72	Northern Crown... 21,000,000
Webb .....	75	Union..... 69,000,000

towns, and villages is 750; while the total number in the western provinces is 943. The difference, 193, represents the bank branches in small places which were not incorporated even as villages at the end of 1911. Of these offices Alberta has 34; British Columbia, 69; Manitoba, 60; Saskatchewan, 30.

Where, in all the world, can a similar spectacle be found? Canada has no central bank, possessing a monopoly of note issue and other exclusive privileges, and which is supposed to have a wonderful ability to prevent panics and equalize the interest rate. Nevertheless the great mass of the Canadian people outside the cities and large



towns have banking facilities which I think are superior to those possessed by the people of any European country.

In the current number of *Banking Reform* the editor intimates that the high interest rates in the rural districts of the United States represent one of the minor causes of the movement of American farmers to Canada. He says, "Even in the heart of the Canadian wilderness, far removed from a railroad, the homesteader need not pay more than eight per cent for borrowed capital, whereas in sparsely settled parts of the United States he must often pay from 12 to 15 per cent. The difference in interest is the difference between a scientific banking system and a system which is the laughing stock of the civilized world." And he concludes, "We do not want a branch banking system, but we can procure its advantages, including more nearly uniform interest rates, by revising our banking laws."

It seems unlikely that the residents of the small towns and villages of the United States will be placed on anything like an equality with the residents of similar places in Canada until sound, strong banks are at liberty to establish branches where they will. Probably the most scientific and effective parts of the Canadian bank's equipment are its branch machinery and its issue power.

We have now learned something about the question of how large a settlement in western Canada must be before it can expect to have a chartered bank branch, also something about the size and power of the banks which go into these settlements. It is in order next to discuss the nature of the support which is given to the small community by the branch bank and to ascertain what it is that enables these great banks to place their facilities and services directly at the disposal of such humble communities.

It will be understood that within a village of less than 100 population the bank will not find much business to transact. There would be perhaps less than thirty families. Of course, everybody expects that "the town will grow." The bank shares in this expectation; and, besides, the head office has probably estimated that for the first year or two after the establishment of the branch, it will be operated at a loss. However, no bank branch would be established in a very small village unless the village was surrounded by a good farming country. The bank expects to derive a large part of its business from the farmers—that is the principal reason why it goes into a village of less than 100 souls.

As it is a new country, in which land values are rising and development work much in evidence on all sides, fixed or permanent deposits are not plentiful. There is a considerable amount of transient money. The new settlers bring in cash which lies for a little while; but that is soon expended in equipping the farm. The bank also does some business in exchange—cashing items on other places and transferring funds elsewhere. But its principal functions are to provide currency for the transaction of business and to lend to all local parties worthy of credit. The retail tradesman, as soon as he satisfies the bank that he is an honest, capable man, with perhaps a little capital of his own, can discount from day to day the notes given him by good farmers in settlement of their accounts. He can also on occasions procure direct loans from the bank on giving a good endorser or other suitable security.

This helps him immensely and enables him to deal with the wholesalers on better terms. Everybody in the village who can give the requisite security, down to the blacksmith or tinsmith, can borrow for business purposes.

While the branch banks cannot make long-term loans, on mortgages or otherwise, to the farmer, they can and do enable him to anticipate the receipt of proceeds of his crop. A responsible man can begin to borrow as soon as his seed is in the ground. The bank will advance funds for the purchase of horses, implements, clothing and provisions, for wages, threshing expenses and other expenses incidental to the work of the farm—one condition thereof being that the aggregate of loans to an individual farmer must not exceed the amount which he can repay in full on disposing of his crops in the fall or winter. If a good borrower is hailed out or meets with some other misfortune which prevents him paying off his loans in full, the bank is obliged to wait for its money until he takes off his next crop. The general rate in the new districts is eight per cent. But the low rate of interest which the editor of *Banking Reform* referred to in his comparison of conditions in the United States and Canada is not the only good thing conferred on the community by the branch bank.

It is a matter of common knowledge that in the United States where a brand new settlement is dependent on local note-shavers or so-called banks, they have various devices, apart from 12 to 15 per cent money, for appropriating the hard-earned profits of the settlers. By means of fees for documents, commissions on loans, etc., they



manage to supplement their earnings to a considerable extent. And, as mentioned in an earlier paragraph, there are numberless cases wherein a private lender of this type would make an advance to a farmer or another with the ulterior object of dispossessing him of his property.

Against tactics of that kind the borrowers from the branch bank in the tiny Canadian village are absolutely safe. In the first place the rate of interest they have to pay, eight per cent, gives them a chance to make good. Next the manager of the branch bank is forbidden to engage in any outside business or activity. He must give his whole attention to the bank's business. For any assignments or pledges executed by the borrower on the bank's forms, no charge is made; and there are no fees, commissions or extras except the charges on remitted checks, drafts, etc., which vary from one-tenth to one-fourth of one per cent.

When misfortune places one of its borrowers in the hands of the branch bank, its rules and traditions forbid its officers from taking undue advantage. All they are allowed to do is to recover the funds actually advanced by the bank. If the borrower has a good chance to rehabilitate himself in a reasonable time, the bank will not press him. Under certain circumstances, if he can give the necessary security, it may even lend him an additional sum. But if his condition is hopeless, the bank realizes on its security, and if possible reimburses itself for the loan, interest and expenses of realization. Any surplus, if unattached, goes to the borrower.

Finally we arrive at the question: To what characteristics of the Canadian banking system are the small agricultural communities indebted for the splendid facilities they enjoy? It is not difficult to find the answer. Unrestricted liberty in the matter of establishing branch offices is unquestionably the most important factor; the second is the fact that the power of note issue is not centralized in the government or in a state bank. It is only through the operation of the branch system that the small communities can obtain the banking facilities to which they are entitled. Imagine the reception that would be accorded by Comptroller Murray to an application for a national bank charter coming from a village with but eighty inhabitants. He would say "No! Certainly not. Your village could not support a bank." And he would be quite right; for a village of that size, even if located in the midst of a good agricultural district, could

not give enough business to support an independent bank with full complement of directors and officers. The only chance would lie in the operation of a "bank" as a side line by the local loan and insurance agent; and we have seen what that means in many cases.

Under the branch system a real banking office can be operated at the minimum expense. Two men—a manager and junior—comprise the whole staff. The office is worked on an economical basis, as a part of a system of perhaps twenty or thirty branches in the province or district. As mentioned already, it may be expected to return a loss for the first year or two; and after that the bank may be satisfied if it returns \$100 or \$200 per year for a series of years while the place is growing to a respectable size. The right of note issue figures conspicuously as a means of economical operation. The notes issued by the branch provide the currency in use in the village and surrounding country. The bank has the use of the funds represented by the circulation which is outstanding. And a further stock of unissued notes, which of course represent no cash investment, suffices for till money. The only actual cash the branch need carry would be \$100 or so in silver coins and a few \$1 and \$2 bills for change (the banks cannot issue notes under \$5 denomination). It need not carry anything as reserve against its liabilities; the manager need not concern himself about them at all. The head office has to look out for the liabilities of all the branches. If the branch needs cash of any description, it merely wires the nearest depot branch and the cash probably arrives next day.

When the sub-committee of the National Monetary Commission visited Canada two or three years ago, Hon. Mr. Vreeland questioned Mr. Daniel R. Wilkie, president of the Imperial Bank of Canada, and recently elected president of the Canadian Bankers' Association, on the matter of the branch offices and the issue power. In reply to a question of Mr. Vreeland's, Mr. Wilkie said, "Without our system of currency, without the inducement of being able to supply the currency required from the banks' own issues, we could not keep the bulk of our branches open. If our currency laws were changed and we were not permitted to issue our own notes, nine-tenths of these branches would be closed. It would not pay us. It is only because we have unlimited till money always available. It is only because we have power to issue our own bills that we are opening branches. That is the crux of the whole matter. It is not only the starting



point of our banks, but without it our banking system could never have developed the country to the condition it is in to-day. It could not be done."

It should be remembered that it is a system of free or plural issues that has worked so beneficently in Canada. If there had been established in the Dominion at a comparatively early day, a central bank or banking association with monopoly of note issue the development of the ordinary banks would most certainly have been checked, their usefulness seriously impaired. The great banks of the Dominion owe their greatness to their extensive systems of branches. We have seen that the right of note issue has enabled them to extend their branch systems. Therefore it is clear that if the issue power had been confined to a central bank, the branch systems of the ordinary banks could not have been developed as they have been and they would have been hopelessly dwarfed, to the great injury of the whole country. Those small villages of 100 and 200 population would never have been given bank branches if the issue power were monopolized by a central bank; and the inhabitants of those villages and of large villages and towns would have been left to the tender mercies of the private bankers and the loan sharks.

Under the Canadian system there are no intermediaries between the issue banks and the humble borrower. The connection is direct and intimate. The bank of issue goes right into the country and lends directly to the small people. Mr. H. V. Meredith, the vice-president and general manager of the Bank of Montreal, told the stockholders of the bank at the annual meeting on December 2, 1912, that the loans of the Bank of Montreal to farmers and small traders amount to many millions of dollars. And the heads of the other great banks—the Commerce, the Royal, the Merchants, Imperial, Dominion, etc., could say the same thing.

The financial system of the country is not complicated by a mass of rediscounts. Borrowers have direct access in all parts of the country to the funds of the banks of issue. Of course, Canada is a new country in process of very rapid development, and the demand for money and credit is enormous. Under those circumstances it is inevitable that interest rates on the whole should be well above the rates prevailing in Europe. The higher rates are necessary, for one thing, to attract capital to the country. I venture to say that if the Canadian banking system had been cut after the

European models, it never would have expanded so easily and smoothly with the great growth of the last decade. The monopolies and special privileges would perhaps have been the indirect cause of one breakdown after another. Because the banks are free and equal, because they have been left in full possession of their natural functions, they have developed rapidly and strongly; and they have earned the respect of the whole world for the manner in which they have financed the country's growth.



## CANADA AND HER ART

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BY ERIC BROWN,

Director of National Art Gallery, Ottawa, Canada.

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The art of a young nation is a changeling in the home. It is a daughter born to parents absorbed in the achievement of material prosperity, who with all the good will in the world cannot understand and know how to educate those qualities which they see developing in their child so strongly and so differently from their own. So it is that her childhood is neglected and her youth misunderstood and not until the compelling power of womanhood animates her does that misunderstanding yield to admiration and disdain to applause.

It might be said with some truth that it is the first scarce conscious realization of maturity that typifies the development of Canadian art to-day and it is bringing with it such problems as how to develop and foster an appreciation of that art in due ratio to the growth of its production and how to encourage the art itself to develop and expand its ideals along national lines. These are great questions, greater perhaps to those within than to those without, for those within can see that it is largely by means of the arts, esthetics and handicrafts that the tremendous material energy of the country must be refined and a right direction given to its surplus wealth.

Take the crafts, textile and other handicrafts. In addition to the industries preserved among the inhabitants of Quebec, the Scotch and Irish peasants of the eastern provinces and the Indian tribes scattered throughout the Dominion, which are now being encouraged with good result by guilds and societies of wise and far-seeing people, there is a ceaseless flood of immigrants pouring into western Canada every year, bringing their industrial traditions with them. A large proportion of them come from Europe and almost invariably they bring with them some native craft which has been a joy and a profit to their ancestors and their village since time immemorial. Here, in the long winters when the farm work is light, there is leisure and incentive to work at the old craft—the skill they inherit—but where are the materials, the markets and often the designs? These we must provide or these arts and crafts will be quickly lost, and here, again, it is the surplus wealth of the country which needs to be

directed into right channels and educated to see more value, satisfaction and beauty in some article, however humble, which is hallowed by the individual creative thought rather than stamped and standardized by the patterned perfection of the machine. It is a great work and as yet the laborers are few.

So it is or has been with the finer arts. The pioneer in the artistic wilderness needs an even greater heart than his brother in the forest. He has to meet an obliquity and disdain more cruel than the obstinacy of inanimate things or the hardships of climate. In Canada he has met them and in a large measure has conquered them, and, as I have said, the situation is that the artistic production is increasing in leaps and bounds in quality and quantity, and the problem is now to encourage and foster it and provide a market for it by instilling into those who, during its infancy, satisfied their desires with foreign pictures, the fact that there is now an art in their midst, different but not inferior, crying for recognition and that they must put aside foreign standards and ideals and judge it and appreciate it as one of their most valuable possessions. I would insist that the art of a country, and especially of a young country, is its most valuable national asset because it is the expression of all that is most elevating, truthful and permanent in the national achievement. No nation can be truly great until it has a great art, and to revert to an earlier simile, the advantage of the parents' study of the child's character is obviously mutual.

With regard to the history of Canadian art, there is not a great deal to record. The great hearts, pioneered in the wilderness, broke the roads and laid the foundations and all honor is due to them.

About the middle of the nineteenth century, G. T. Berthon came from Vienne, France, to paint portraits in Toronto. His father had been one of the most promising pupils of the great David. Berthon's work included portraits of the most eminent Canadians of his day.

Daniel Fowler came from England in 1843. For fourteen years he farmed in Ontario. For the next thirty he painted in water-color under the influence of the great nineteenth century school of British water-color painters.

Otto R. Jacobi, court painter to the Duke of Nassau at Wiesbaden, came to Canada in 1860 and lived and painted there for the rest of his life.



Paul Kane, pioneer in the forest as in his art, traveled thousands of miles by canoe, horse and snowshoe to obtain his pictures and portraits of Indians and their customs.

Wyatt Eaton was the friend and biographer of Millet, Fraser, O'Brien, Kreighoff, Benoni Irwin and many others whose names are household words in the tale of early Canadian art.

From these individuals was formed, in 1867, the first organization of Canadian painters, called the Society of Canadian Artists. This organization was followed by the Ontario Society of Artists, the oldest living organization of artists in the Dominion. It is now flourishing vigorously under the presidency of Mr. Wyly Grier, R.C.A. It is the art body that introduces the young talent to the world of publicity. It has had a varied career, but of late years its annual exhibitions have witnessed a great revival and the foremost artistic talent of Canada is being largely recruited from its ranks.

Then came the Royal Canadian Academy, founded in 1880, on the traditions of the Royal Academy of England, by the then Marquis of Lorne and H. R. H. Princess Louis during the term of their vice-royalty. It includes in its ranks of academicians and associates, all the foremost artists, sculptors, designers and architects in the Dominion. Its president is Mr. William Brymner, and it is good to note that its annual exhibitions, which best reflect the artistic progress of the country, are of an ever-improving quality. It is very inadequately supported by the government, but notwithstanding it has for the past thirty years done a great and good work in encouraging and stimulating the artistic endeavor of the Dominion which it was wisely created to centralize and express.

Up to the present its annual exhibitions have been held in Montreal, Toronto and Ottawa in turn, with an occasional exhibition in other towns, but the time is coming which will demand its presence in the western provinces. Winnipeg has just opened the first Canadian Municipal Art Gallery with a representative exhibition of Canadian art under the auspices of the Royal Canadian Academy. This will assuredly be followed by the other provinces no less progressive nor unmindful of the needs of their growing population.

Then there is the Canadian Art Club, with headquarters in Toronto, a five-year old secession from the Ontario Society of Artists. Its share in the good work is the specialty it is making of reuniting with Canadians in its exhibitions, the work of those men

who in the earlier days were forced to seek recognition in the United States and in Europe. Homer Watson, R.C.A., is its president, and its annual exhibitions hold many interesting pictures, albeit it seems to be somewhat departing from the ideal of an independent secession which was the reason of its birth.

Canada's art museums and art schools are yet in their infancy, at least in numbers. Montreal has its art association, due entirely to private enterprise. It contains an interesting permanent collection, largely the result of bequests; and the best art school in the country, whose advanced classes are under the direction of Mr. William Brymner, P.R.C.A. To mark its progression and prosperity it has recently moved into a new and most palatial home in the finest section in the city.

Toronto has the Art Museum of Toronto, a magnificent site for which was recently bequeathed by the late Dr. Goldwin Smith. The site is in his old home, The Grange. Plans are being prepared for the new building and there is no reason to doubt that Toronto will shortly have an art center worthy of the greatest English-speaking city in the Dominion.

The Ontario College of Art is also in Toronto, and has recently passed through a much-needed reorganization. Under the presidency of Mr. George Reid, R.C.A., it may be expected to do even better work than in the past towards the training of the young idea.

Winnipeg, as I have mentioned, has just opened the first Municipal Art Gallery in Canada—a step the importance of which can hardly be overestimated. It marks that point of development when the esthetic has become a necessity to the progressive thought, and the surplus wealth will thereby be attracted towards that element of the country's production which is its greatest refining influence.

For the rest of Canada, however, there is little encouragement given to art, and the need is great. There is no lack of talent or appreciation; it is springing up and bearing fruit on all sides where there is the proper soil and cultivation. Given the art schools and art galleries, they will be filled, and it should be the work of each provincial government and each municipality to provide at least some training which may convince the aspirant of his fitness or unfitness to enter the world of artistic production.

And lastly there is the National Art Gallery at Ottawa, the



capital of the Dominion. Founded as the repository of the Royal Canadian Academician's diploma pictures in 1880, it has existed for thirty-two years, but only lived, it might be said, for the last five, when an Advisory Arts Council was appointed by the government to spend its annual grants and to some extent administer its affairs. The president of the Advisory Arts Council is Sir Edmund Walker, C.V.O., LL.D., D.C.L. A director was appointed in 1910 and the National Gallery was granted more spacious though still temporary quarters in the Victoria Memorial Museum, where it now occupies three floors in the east wing, the two lower devoted to a well-arranged and interesting collection of casts and the top floor to one large picture gallery and seven small ones. Here, at least, one may study the rise and progress of Canadian art in its entirety. Every artist of note is represented, and it is the intention of the National Gallery to provide a most complete collection of Canadian art from its earliest days and at the same time the best collection procurable of the world's artistic endeavor.

The five years of systematic government have done much, and there is much more yet to do; but at least it can be said that in addition to the representation of Canadian art the visitor can follow the history of the world's art from the primitive Italians to Caravaggio, the first of the great naturalists, and through the great Dutch and Spanish schools of the seventeenth century to the eighteenth century school of English portrait painters, fathered by Thornhill and Hogarth, and thence to the broken color impressionist who seeks to let the light of his picture shine before men by placing his pure colors side by side instead of mixing them. Hogarth, Reynolds, Gainsborough, Hoppner, Beechey and Lawrence are finely represented by portraits; Millais by his portrait of The Marquis of Lorne, founder of the Royal Canadian Academy; Watts by a replica of his "Time, Death and Judgment;" Holman Hunt by his portrait of Henry Wentworth Monk, Canadian visionary and worker for universal peace; Leighton by a finely painted head; the Barbizon school is represented by both pictures and drawings; the eclectic Italians by a group of drawings from the late Duke of Rutland's collection; Chardin and De Heem by wonderful examples of still life.

The National Gallery has lately acquired a collection of a hundred engravings by the greatest of the French portrait engravers,

Nanteuil—a unique and magnificent representation of the master's genius. To a country upon which the great French statesmen of the seventeenth and eighteenth centuries wielded such influence, the collection is invaluable, both from artistic and historical viewpoints.

Boudin is there with a magnificent blue *Vue D'Etaples*; Bauer, the contemporary Dutch painter and etcher, with oil and water color paintings and a representative collection of etchings; and among recent purchases are "The Green Feather," by Laura Knight, which gained distinction at the 1912 international exhibition at the Carnegie Institute at Pittsburgh; a fine marine by Paul Dougherty, and some others.

The future of the National Gallery is the building of a beautiful and permanent home on one of the finest sites of the city in which there will be adequate room for permanent and loan collections, where the national portraits may be fittingly exhibited, and where the visitor to the capital, the inhabitant and the student, who will one day be working in a national or municipal art school nearby, may study in its entirety the progress and power of Canadian art.

It is early to attempt to define the national characteristic of Canadian art. A national spirit is being slowly born, one might perhaps say it walked abroad, but as yet between the lights. There are painters who are finding expression of their thought in the vast prairies of the far West, in the silent spaces of the North, by the side of torrent and tarn, and in the mighty solitudes of the winter woods. The appeal of the great land is every year more manifest, and is being expressed with an indefinable solemnity and deference which is nothing less than the first national utterance of a young art awake to a mighty heritage.

And what of the future? The future of Canadian art is development, advancement and recognition until it can be said that no Canadian painter needs to seek a living in another land; until there is artistic training to be had in every town; and until, greatest of all, the surplus wealth is directed towards supporting and welcoming all artistic endeavor with all the pride of the patriot in a great national achievement.



## SOME CANADIAN TRAITS

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BY W. A. CHAPPLE, M.P.,  
London, England.

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The Canadians are a frank, open, generous people. They are all busy, all making money, all trying to make more, all in a fair way of doing it. But you may stop one anywhere, at any time, and ask information, and you will get it when he has it to give, in the kindest and most friendly way. There is a fraternity everywhere. There are no class distinctions, at least none readily apparent. Servants become mistresses, gentlewomen become servants. There is a leveling up, and there is a leveling down. Servants and laborers are menials no more. The gentle born, and there are many in Canada, take to toil within their capacity, and are not degraded.

I see that a Canadian lady of distinction has said that the country does not want impecunious gentlewomen from Britain. I hesitate to differ from one so competent to judge, but I think for the sake of the gentlewomen, and for the sake of Canada, that kind of immigration is just what both need.

The life of an impoverished gentlewoman in England is hard to endure. She is cribbed, cabined, confined by severe and cruel conventionalities. There are so many things she dare not do, so many things she must not resemble. She eats, drinks and sleeps on the edge of degradation from what she and her friends think is her high status. Pray let her escape from her prison house, and breathe the freedom of Canada. She will not be despised there if she works. She will be valued for her service, not for what her class and ancestry have "coralled." She will be measured by what she is and does, and will see nothing false in the weights. There are many such women in Canada. They are a credit to their caste, and class, and country, and are a great gain to Canada. They lose nothing themselves, they confer much on others.

Their education, speech, manners, and refinement of thought and feeling are a valuable influence, especially with Canadian children in the schools. Shakespeare, and Bunyan, and the Bible, are not sufficient to check the mutilation of our good old Saxon tongue; a leaven of culture and refinement will do good to the lump, and no

harm to the heaven. The changes are terrifying to those who cherish our literature and speech. "To law," is to go to law; "to suicide," is to commit suicide; "to jail," is to lock up; "to room," is to live in a room; "to figure," is to calculate. The corruption of the language is in rapid progress; and the newspapers and the preachers are the least excusable offenders.

There is a constant migration within the boundaries of Canada, and there is a constant flow from Europe and America. Of these currents, the most important and significant is that which flows northwards from the United States. There are nearly one hundred million people within a day or two's railway journey of the Canadian boundary line. Consider what this means.

The Americans are an alert and enterprising nomadic people like ourselves. They are getting overcrowded. Their agricultural land has risen to from £20 to £40 per acre and even more. They have been growing much wheat. They are going out of it. They hear that virgin land as good as theirs ever was in its unexhausted days can be bought a day or two's journey off, for £2 or £3 per acre. Read this clipping from a Calgary daily paper: "9-8-12. STATES FACING FAMINE; Unless soil is improved will have to import products. Chicago, Aug. 9.—That America is facing a famine unless agricultural conditions are vastly improved, was the general opinion of the speakers at the annual meeting of the National Soil Fertility League yesterday. 'Statistics show that agriculture in the United States has been so neglected that within twenty years we will be forced to import our principal products from foreign lands. We are facing an inevitable famine unless the soil is greatly improved,' said Mr. Gross, President of the Organization."

American land is becoming exhausted, and stands in need of a more expensive fertilization. Owners can sell out at a lower figure than they paid and start again in Canada. If the old people are still anchored to the farm, their sons are free to emigrate. And Canada offers more inducements than any other state in their Union. The climate is no worse in Ontario, Saskatchewan or Manitoba than in the central states of the American Union, even far south of the international boundary. Their winters are a little shorter but they are quite as severe while they last, and infinitely worse than on the Pacific coast of British Columbia and the foothills of Alberta. And the fame of Canada has spread into these southern lands. I met very



many Americans who have settled in Canada, some of many years standing, some of but a few. They have nothing but praise for everything Canadian except Canadian apathy in business.

One interesting specimen from the central states, in answer to my inquiry as to the attractiveness of Canada to the American, leaned toward me, and in a semi-confidential whisper, as if he were imparting to me some knowledge that might be of service to me, said, "Why, if you shoot a man here they hang you." He ignored my smile. "Law's respected here," he continued, "two neighboring farmers near me in Kentucky once lawed about six hogs, and it took ten years for the courts to settle it, and when they did the two lawyers had the two farms. Now here in Canada, I've had two law cases in two years, and the verdict was given in sixty days. They'd have taken six years in the States. An American here a little time ago was fined for keeping a 'bath house.' He took no notice. He was fined again. Still he took no notice. He could afford the fine, and had one hundred and fifty thousand dollars in real estate here. He got a year's imprisonment and was ordered out of the country on his release, and while he was leisurely going round with his dollars, trying to bribe the officials, they were making arrangements for his deportation. He was conducted to the boundary, and I'm sure he hasn't recovered from his stupefaction yet. Just fancy," he added, "the States deporting a man with one hundred and fifty thousand dollars!"

These facts amaze the Americans. They have discovered that Canada is a country of law and order. They come from a country in which during the three Boer war years, 1899, 1900 and 1901, there were more people murdered than were killed during that war, among the whole British army.

Contemplate these figures with which the people of the States are familiar: Persons murdered in the United States of America during 1899, 1900 and 1901, 18,466; executions of murderers for these murders, 356. The number of murderers unchanged was 18,110. Of those executed an average of two years elapsed before the sentence was carried out. In 1896, there were 10,652 murders and only 122 legal executions. The total number of British deaths in the Boer war was under 20,000, including those who died of enteric fever. Is it at all surprising that Americans appreciate the respect for law and order that prevails in Canada? The American cannot

believe this till he sees it, but when he sees it, he talks about it, he writes about it. It is the one conspicuous difference that he notices.

Another thing that he notices and writes back about is the absence of graft, or graft in its worst and most oppressive form. He discovers too that he gets on. He is thrown amongst a people who are virile, but are not hustlers. He can out-run them in business and he does. The Canadian in business and in industry, though solid and successful, is casual and apparently indifferent. His more aggressive competitor caters more for his client, is more eager to win his custom, hustles more on his behalf and does more trade. There is nothing more annoying to a visitor than the casualness of the Canadian.

Ask a tram-guard, a clerk, or a telephone operator, or a railway official, a question, and you will get an answer, but it is an answer which requires of him the minimum of response. He will not turn to look at you, his expression of stolid indifference will not alter, his lips will hardly move, his effort may be but a feeble, almost inarticulate grunt; or an almost imperceptible nod of the head or turn of the eye, will serve as an indication of direction. If the correct reply to you be an affirmative, he may make no response whatever, leaving it to be assumed by you that if his answer were in the negative he would make one; his absolute indifference to your question he means you to take as an affirmative response. The same casualness is observable everywhere, and is very disconcerting to visitors used to courteous and definite replies. But there is no incompetence or studied incivility, and the Canadian does not mean to be discourteous. This is simply an evidence of his independence and jack-easy manner. In the public service there is an even greater casualness, but it is often accompanied by a very obvious incompetence.

In so new, so varied and so rich a country as Canada, there is unlimited scope for private enterprise, so that as a general rule, only the "leavings" of private enterprise are available for the public service.

Here is a reply to an inquiry for particulars of lands for sale of a Canadian provincial government. The head of the department writes:

"DEAR SIR:

"I beg to acknowledge receipt of your favour of 20th instant, addressed to this Department, and in reply have to say that there



is still about two and a quarter millions of acres not granted. Some of this land is rocky, but some of it is capable of development.

"Yours very truly,"

I venture to hint that such a reply would have merited, if it had not earned, dismissal from any self-respecting real estate office in Canada, anxious to do business and to get clients. I would lay myself open to a charge of being unobservant or inaccurate if I did not here admit that there are exceptions to this rule. Still nothing is more conspicuous than the apathetic indifference of government officials behind the counter, or the slow serpiginous movements of clerks who wander aimlessly amongst other clerks seeking information, which they will lazily pass over the counter without real knowledge or a sense of responsibility.

These slow, careless and sleepy movements are characteristic of all the officials in Canada, whether in the government or in private service. It takes longer to get a railway or a steamer ticket in Canada than in any other place in the world I know, and I have circumnavigated it five times. Now the American sails on to this sea of casual indifference and he gets a "move on." He hustles, to use his own expressive term. He gets the business. He does the work. He receives the patronage. He finds it a happy hunting ground because the competition is less fierce and his competitor is still asleep.

I am referring to business enterprises of all kinds. In the field of industry this is not true. The manual worker is the most diligent in the Anglo-Saxon world. Stand and watch a group of men at work almost anywhere in Canada, on road, or building, or railway construction, or street repair; at any work involving muscular effort, and you will be struck by the amount of joint-oil being put into their task. Where men are attending to machines they must of course keep pace, but when this necessity does not drive, the men are nevertheless at work—all at work, and always at work. This is in conspicuous contrast with the ordinary English worker. But then the Canadian gets about double the wage.

A bricklayer in British Columbia gets 24s. per day, a carpenter gets 18s. to 20s. per day. An unskilled worker gets 10s. to 12s. per day. The homesteaders making roads to their farms in Vancouver Island were getting 12s. a day from the government, and it was

currently reported that they were not watched very closely to see what days or place they selected for their toil. If a laborer gets the full reward of his labor he gives the full reward of his wage. I believe that to be true, and I believe the idleness and inefficiency of many types of the English workman at home to be due to a sullen protest against the conditions under which he has for generations been forced to labor. The employer has never been willing to share his profits with his workers in anything like a reasonable proportion. In Canada he is, and he does it; and his men are diligent, conscientious, self-respecting toilers, who give the full reward of their wage.

The Americans then are the real and prospective immigrants to Canada. They, too, have discovered Canada. They have formed an accurate estimate of her enormous resources, of her virgin forests ready for the axe, her fertile soil ready for the plow, her coal deposits ready for the pick, her products and her people ready for the rail; and their enterprise has said to them, "Go ye up and possess the land, for it is a goodly land, a land flowing with milk and honey." They do not require to take it by conquest. It is theirs for the asking, as much as it is yours and mine. All are welcome at its hospitable board, all are invited to sit down, eat, drink and be merry. Its gifts are there for all, and all may share its bounteous fruits. The invitation is being accepted by the Americans, and I am convinced that a big section of that one hundred million people will find their way across the forty-ninth parallel of latitude before many years are over.

But the American is not liked by the Canadian. To the Canadian he is an intruder, and perhaps this partly accounts for the very obvious prejudice against him. For that prejudice is much stronger than it once was. It does not exist in Britain. It is peculiar to Canada, and I cannot see that it is justified. Still, the Canadian likes his dollars, and these dollars, and the "go" behind them, are helping to push the country ahead.

Canada will become more and more American in its characteristics, and will ultimately be indistinguishable from its neighbor, except on the map and in its constitution.

British immigration to Canada will probably lessen as time goes on. The most easily detachable from their British environment have already been detached, and this source of supply has been greatly reduced. Moreover, the selective discrimination that



Canada has recently undertaken has of itself limited the supply. With this selective process instituted by Canada in self-protection, the enthusiasm of British immigration societies has to some extent diminished. But Britain is realizing that this selective emigration of her best people has about gone far enough. She can spare no more of her best workers, the only stock that Canada will take. To keep them she must pay better wages and give more and better opportunities. And she is doing this. The Scottish Smallholders Land Act was designed to give them opportunities, and one of the chief arguments that helped to make the bill an urgent measure was the emigration from Scotland's farming districts to Canada.

All the social legislation at present in the lap of the liberal party in Britain ready for distribution is designed to make and will have the effect of making the old land more attractive to the working people. All these factors tend against the trend of British emigration to Canada.

Then there is the competition of the other colonies. The summer suns of South Africa, Australia and New Zealand have their own peculiar charm and attraction for those who still dread the winter frost and snow of northern latitudes.

Just think of it! A wilderness of vast extent in less than a generation is dotted all over, not with homes only, but with cities, and cobwebbed with railways. The transformation is amazing. Where they got the material, the artisans, the plumbers, the money and the men is a riddle. A wooden house, a Canadian calls old (but would be considered new in any other country) withers like Jonah's gourd in a single night, and Hey! Presto! a ten-story steel construction sky-scraper rears itself upon the withered ruins. Plains and river-banks grow villages, villages become towns, towns become great cities, and all while you wait. No! it is not the country. It is the people. No other race could do it. The tireless energy, the expanding optimism, the skill and capacity of these nation-building giants of the West! Their energy and their optimism are infectious. It spreads like a contagion. Everyone is seized with it. And all are on the same trail. They are working for the same cause. They are reaching out to the same goal. And they will all get there!

There is an integrity about them, an evidence of honest endeavor. All, all who go there catch the spirit. They fall into line. They join in the chase. There is no spiteful rivalry. Men after the same

dollar will smile to each other by the way, cheer each other's efforts and rejoice with the winner, whoever he may be. There is kinship rather than hostility; friendly rivalry rather than bitter opposition. There is competition, but it is not cut-throat competition. I admired that spirit in Canada and I think it is fairly general—most certainly in the West. The same healthy rivalry exists between towns, Regina and Saskatoon, Lethbridge and Medicine Hat, Calgary and Edmonton, Victoria and Vancouver, Alberni and Old Alberni. The newspaper correspondents to whom I will refer enter into the spirit of it. They do not decry the rival town, they exhaust their vocabulary in praise of their own. The most popular work of reference in a correspondent's library is the "Thesaurus of English Words and Phrases." I read an article in praise of Vancouver, and it was simply a succession of superlatives culled from this booster's "Vade Vecum."

Now what would you expect from this city-building while you wait? Plumbers cannot be manufactured in a day like a tap or a gully trap, and plumbing is the most technical and important part of a building. You would expect plumbers to be scarce, plumbing to be defective, drainage to be scamped and typhoid to be rife. This is just what you do find. Ottawa, one of the empire's most beautiful cities, had a typhoid epidemic in full blast, when I was there, sixty-four cases "reported" on a Saturday and 102 on a Monday. There was one argument in everyone's mouth; and in the mouth of two witnesses shall every word be established. The argument was "I told you so." Now the worst thing one can say against a man is,—well, you might have been told it already. And the worst thing one can say about a town is that it has typhoid. That is positively the lowest character a town can have. What does it mean? It means just exactly what the Bible says, and the Bible does not mince matters.

Anyone but an Ottawan can see the cause of typhoid in the city streets—uneven pavements, depressed footpaths, cracked and tilted flagstones. These inequalities in the surface spell even greater inequalities in the underlying drains, which in their turn spell sewage deposit, stagnant flow, decomposition, sewer gas, defective traps, vitiated air, contaminated water and milk—all media, all carriers, but only one primary cause, sewer gas regurgitation from defective drains. People persist in going miles afield for causes when they



are under their nose. Some want a new water system, others want the supply from another lake or river, others want to exterminate dairies, others want to inoculate the cows, others to vaccinate everybody, but nobody wants to clean up.

The newspapers of the West are in their infancy. So one does not expect too much. Their paper is bad, their slips numerous and their matter weak. Their headings are grotesque. Look at this:

EMPEROR ABSOLUTE  
OF DYNAMIC FORCE

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Official Who is Playing Havoc  
With Gorges and Canyons  
That Give Trouble

---

IS WORKING IN SILENCE

---

Man Who Scarcely Ever Speaks  
But Who is Smashing  
Up the Earth.

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They have telegraphic news from most places in Canada, but I think their local correspondents are nearly all real estate agents. This news gives the name of new firms starting business, or promising to, or have circulated a rumor to this effect—the phenomenal and unprecedented rise in the price of lots, with a few examples, which it is left to be implied, are typical. They are what is commonly known as “boosting” messages. To “boost” is to crack up, to puff, to exercise your bump of wonder and to try and excite that of others. Auctioneers or cheap-jacks make the best newspaper correspondents in the Canadian West, and if they have a small but growing real estate business, just to fill in their spare time, this is an additional qualification. The empire news service is the worst in the British Dominions. A few scraps daily, badly placed, not a few obvious errors and often an incoherent jumble. The Rt. Hon. Herbert Samuel, the British Postmaster General, is perhaps one of the clearest thinkers, and the most concise, explicit and logical speakers in the

House of Commons. I will not quote the quarter column the papers gave him, lest he might see it, and I would not like to hurt his feelings. A Chicago paper that I studied about two years ago, when on a visit there, had thirty-six columns of reading matter, and seven and one-half columns of this were cable messages from London.

The dailies in the great Australian and New Zealand towns print from four to six columns of world cable news a day, and the people constantly clamor for more and complain of its meagreness. If there were less "boost" and more British news, less sensational garbage gathered from anywhere, chiefly in the States, and more edifying matter from the world's best writers and journals, the Canadians would be a better educated people and the journalistic profession would rise in influence, as the proprietary would rise in wealth.

The people of the world who had a choice and who had the means and power of making that choice effective, have never, at any place or in any age, selected the torrid zone for their home. No free people does that now, notwithstanding the spread of knowledge of these regions, the ease and cheapness of migration and the comparative security of life and property there. The virile people of the Mediterranean chose the north shores rather than the summier South; the Phoenecians from the Levant migrated west and northwest; the Mandarin Chinese kept to the northern latitudes; the restless wandering Teutons kept their gaze to the west and north; the Pilgrim Fathers kept to a similar latitude; those of the South African and South American colonizing people who were free to choose, selected the lower latitude and the temperate zones; and even within the temperate zones nations free to choose and move, showed no disposition to crowd towards the equator. Russia, Germany, Scandinavia, Britain, China and the United States are all witnesses whose evidence is on record; and within the temperate zone those races that have kept furthest from the equator, yet within that sphere, are the hardiest people. I call to witness the Scottish Highlanders, the Scandinavian Norsemen, the Russian Moujik, the German of the North, the Chinese Mandarin, the American Indians, and in the Southern Hemisphere, the Patagonian and the Maori. Latitude fifty-five is the mother of men.

The United States has no advantage that Canada does not enjoy, no natural resource of any value not found in Canada, no soil



that Canada cannot match, no power Canada cannot equal, no territory Canada cannot measure with her own. And she has the magic latitude of fifty-five. She has all the advantages, none of the disadvantages, all the prospects, all the example; the same race, the same human reservoir to tap and move, and if history and latitude do not lie, she will provide a finer race of men.

Although Canada is an infant nation she is no longer a babe in arms. She is growing into sturdy precocity and is anxious and eager to take her place with kindred nations in the family circle. Though Canada is working, and working hard with conspicuous success, she is thinking too; and she is thinking for herself. She is old enough and she is wise enough, and she needs little help from others.

I believe that the next stage in the evolution of Canada will be intellectual and spiritual. I do not mean spiritual in the religious sense, but spiritual in the national sense—contact of her national spirit with the spirit of history, her history, our history; a passion for a more intimate unity with the spirituality of the Anglo-Saxon race of which she is so great and an ever-growing part. She will recognize our common heritage and destiny. She does, but it will be more a passion than a sentiment, and it will express itself on the intellectual and spiritual side. She will develop her schools and colleges and extend their influence downwards; she will acquire a passion for our common literature; she will pride herself in culture and the fine arts, and recognizing her oneness with her race, she will blend her spirit with our own. I can hear the ground-rumble in our own country of that discontent, on which disloyalty grows like a weed. There is none to be heard in Canada. There is not a disloyal fibre in her whole constitution, not even in Quebec. If Britain needed them, legions of warriors would spring from every mountain valley and every prairie spot in Canada. There is one danger ahead. The States will spread over Canada. They may Americanize her. This will be good for Anglo-Saxondom, but bad for Canada, bad for spiritual Canada, I mean, not for material Canada. American money, energy and enterprise will help to develop her, but they will damage the spirit.

The hope is that Canada will prove resistant to this spirit, and that Americans invading gradually will catch her spirit as they have so far done. I hope and believe that Anglo-Saxon reunion is the

destiny of the English-speaking race. An offensive and defensive alliance now is not too wild a dream. Reconcile Ireland, and one great obstacle is gone forever. Our descent is common—in history, in literature and in religion. Our ideals are one, our hopes and fears are one. Our enemies are the enemies of civilization. We stand for progress, peace, and concord among the nations of the earth.



## CANADIAN LITERATURE

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Canada possesses a literature of which it may be reasonably proud. It has grown with the growth of the country and reaches its highest point at the present time when the Dominion also attains its greatest stature in external influence and internal unity. The beginning of this literature lies far back in the old French annals of discovery, travel and adventure. The chief of these works, reaching down to the bed-rock of our history as a people, are the chronicles of Cartier's voyages; the similar narrative concerning Champlain; the histories by Marc L'Escarbot and Gabriel Sagard of De Monts' settlements and of the Hurons, respectively; Father Louis Hennepin's *Canadian Discoveries and Voyages*; the famous *Relations des Jesuites*; the semi-religious annals of Father Le Clerq; Le Hontan's somewhat unreliable works of travel; and the foremost and best of all these early chronicles, the *Histoire et Description Generale de la Nouvelle France*, by Pierre Francois Xavier de Charlevoix. Of course, the most abundant materials for the history of this period are to be found in the *Jesuit Relations*, especially in the magnificent publication edited by R. G. Thwaites, of Cleveland, U. S., but the six volumes by Charlevoix, first brought out in France in 1744, were the product of a clear, able and practised writer, and as such are of the highest value.

These volumes, taken together, constitute the basis of all historical literature in Canada and are, therefore, of great importance, although not written by Canadians in the modern sense of that word. Equally important is the splendid series of volumes written by Francis Parkman<sup>1</sup> and forming a veritable mine of brilliantly comprehensive history of early Canadian events and personages. His picture of the Indian is drawn a little too luridly, perhaps, but, apart from that, there is little criticism that one may venture to offer. It is also

<sup>1</sup> They were published as follows: *The Oregon Trail* (1847); *The Conspiracy of Pontiac* (1851); *Pioneers of France in the New World* (1865); *The Jesuits in North America* (1867); *La Salle and the Discovery of the Great West* (1869); *The Old Regime in Canada* (1874); *Frontenac and New France Under Louis XIV* (1877); *Montcalm and Wolf* (1884); *A Half Century of Conflict*, (1892).

obvious that although the author was an American by birth and residence, his works can hardly be eliminated from any record of Canadian historical literature into which they throw the searching light of a strong mind and eloquent pen.

With the fascinating fur-trade period, the days of exploration and adventure in the far Northwest, came a further succession of works by outside pens. Sir Alexander Mackenzie's *Voyages*, published in 1802, La France's *Explorations* of the country adjoining Hudson's Bay (1744), Samuel Hearne's *Journey* in the same regions (1795), and Alexander Henry's *Narratives* (1809), are vivid reminders of the lives and labors of pioneers in a new country. So with *The Red River Settlement*, by Alexander Ross (1856), Lord Selkirk's volumes and pamphlets upon the same subject and Sir George Simpson's *Overland Journey*. Following the earlier descriptive works of French and English writers came a series of volumes dealing with current events or conditions by men living for a time in British America, or traveling through its apparently boundless regions of lakes and forest wilderness.

The most important of these, from an historical as well as descriptive standpoint, were Francis Masères' constitutional and controversial publications; Major John Richardson's *War of 1812 and Eight Years in Canada* (1847); Mrs. Jameson's *Sketches in Canada* (1838); Colonel Talbot's *Five Years in the Canadas* (1824); George Heriot's *Travels* (1807) and those of Isaac Weld (1799) and John Lambert (1810); John Howison's *Sketches of Upper Canada* (1821); Basil Hall's *Travels* (1829); Sir R. B. Bonnycastle's *Excursions* (1841) and *Canada and the Canadians* (1846); Major G. D. Warburton's *Conquest of Canada* (1849); John Galt's *Autobiography* and his descriptive work upon *The Canadas*; Sir George Head's *Forest Scenes in North America*; Captain W. Moorsom's *Letters from Nova Scotia* (1830) and Lieutenant-Colonel Strickland's *Twenty-seven Years in Canada West*. The following list gives the names of a number of writers of less important volumes upon Canada which were, nevertheless, useful in their day and are now valuable from an historical point of view:

Joseph Robson (1752).

Thomas Anbury (1789).

Captain G. Cartwright (1792).

P. Campbell (1793).

J. C. Ogden (1797).

Captain G. Vancouver (1798).

Sir D. W. Smyth, Bart. (1799).

Duc de la Rochefoucauld-Liancourt.



Hugh Gray (1809).  
 John Mill-Jackson (1809).  
 J. Melish (1812).  
 David Anderson (1814).  
 M. Smith (1814).  
 Joseph Sansom (1817).  
 Lieut. Edward Chappell (1817).  
 Francis Hall (1818).  
 John Palmer (1818).  
 E. Mackenzie (1819).  
 Benjamin Siliman (1820).  
 Gabriel Franchère (1820).  
 C. Stuart (1820).  
 J. M. Duncan (1823).  
 Walter Johnstone (1823).  
 John McTaggart (1829).

Hugh Murray (1829).  
 Ross Cox (1831).  
 John McGregor (1832).  
 Sir James E. Alexander (1833).  
 Alfred Hawkins (1834).  
 John Galt (1836).  
 Edward Gibbon Wakefield (1837).  
 T. R. Preston (1840).  
 J. S. Buckingham (1843).  
 Rev. William Haw (1850).  
 Sir John Richardson (1851).  
 W. H. G. Kingston (1855).  
 Captain Palliser (1863).  
 Commander R. C. Mayne (1863).  
 Hon. A. H. Gordon (Lord Stanmore)  
 (1864).

Succeeding volumes of great interest to Canadians are those in which Sir W. H. Russell, Charles Mackay, Anthony Trollope, Captain Marryatt, Sir Charles Lyell, Sir Charles Dilke and Lady Vincent refer largely to the Dominion in describing their experiences and impressions of American travel, etc. R. Montgomery Martin, in his work upon the British Empire (1843), and Sir Charles Dilke, in his well-known *Problems of Greater Britain*, wrote authoritatively upon Canada. J. W. Kaye's *Life of Lord Metcalfe*, Scrope's *Life of Lord Sydenham*, Walrond's *Life and Letters of Lord Elgin* and Wright's *Life of Major-General Wolfe* were connected with Canadian literature in much the same way as the names mentioned were connected with the national annals. And, while these varied volumes cannot be technically claimed as a part of Canadian literature, if by that term we understand works written by Canadians, yet many of them were written in Canada. Some were published there and, taken together, they constitute a basis of information and description which any Canadian who desires to study or write of the early history of his country must be more or less familiar with.

For three decades following the periods of war with the United States, Canadian distinctive literary ambitions, apart from the contributions of French or English writers, slumbered amid surroundings of pioneer activity in field and forest, on lake and river. The axe of the settler, the river rafts of the lumberman, the canoe of the voyageur and the musket of the hunter embodied the practical and necessary aim of the people. With the progress of settlement, the growth of

the press and the development of an easier life in cities or towns came, however, the gradual production of a strictly native literature. One of the earliest native works and, perhaps, the most important of all French-Canadian historical volumes was the *Histoire du Canada* by Francois-Xavier Garneau. Published in the years 1845-48, translated in 1866, and republished in 1882, this work is the accepted national history of the French-Canadian section of our population. It holds the place in their minds and hearts which Kingsford's greater and more elaborate work will take amongst English-speaking Canadians. Subsidiary to this in importance, but of much value, were Michael Bibaud's *Histoire du Canada* under the French régime (1843); *Cours d'Histoire du Canada*, by Abbé J. B. A. Ferland (1861-5); *Histoire de la Colonie Francaise*, by l'Abbé Etienne M. Fallon (1865-6); *Histoire des Canadiens-Francais*, by Benjamin Sulte; *Le Canada Sous l'Union*, by Louis P. Turcotte; *Histoire de la Rebellion de 1837-38*, by L. O. David, and various works by l'Abbé R. H. Casgrain and F. M. U. M. Bibaud.

Meanwhile, literary progress in English-speaking Canada had been much slower and less productive. The competition of other interests and pursuits was keener and the characteristic physical activity of the race greater. The natural result was comparative indifference to anything except political controversy, through the medium of popular journals, or to the ever-present charm of English standard works. Hence, *The History of Lower Canada*, by Robert Christie, published in Quebec in six volumes in 1849-55, is one of the few works of importance written by English-Canadians during all these years. It is valuable for its statistical and documentary data as well as for the personal experience in the political struggles of the time which the author brought to bear upon his subject. Another notable production was Gilbert Auchinleck's *History of the War of 1812*, published in 1855. Works upon the same subject were also written by David Thompson, of Niagara, and Lieutenant-Colonel W. F. Coffin, of Montreal. Dr. Henry H. Miles' *History of Lower Canada* must also be mentioned with appreciation. Bouchette's *British Dominions in North America* (1831) was a most valuable topographical and statistical work, as were similar volumes published twenty years later by W. H. Smith. William Smith's *History of Canada up to 1791*, was a useful but somewhat one-sided work. D'Arcy Boulton, Q.C., published in 1805 a *Sketch of Upper Canada*,



which is now of historical interest, while Bishop Strachan's *Visit to Upper Canada* (1820), Robert Fleming Gourlay's *Statistical Account of Upper Canada* (1822) and William Lyon Mackenzie's *Sketches*, published in 1833, possess similar value and interest. Mrs. Catherine Parr Traill commenced her prolonged Canadian career of literary activity by a volume published in 1835 entitled *The Backwoods of Canada*, and afterwards wrote much upon the natural history and characteristics of the country. Her sister, Mrs. Susanna Moodie, was equally well known by *Roughing it in the Bush* and similar works. The Rev. Dr. Adam Lillie published, in 1846, a valuable work entitled *Canada: Physical, Economical and Social*.

With the coming of confederation there commenced a most distinct development of literary activity in Upper Canada and the Maritime Provinces—almost the creation of a new literature. The Hon. Joseph Howe's *Speeches and Public Letters* and D'Arcy McGee's *Speeches and Addresses* were natural and early products of this period and illustrated that eloquence which in all countries takes its place in the permanent literature of the land. The chief historical work done in the ensuing decade was certainly that of John Charles Dent. In his *Last Forty Years* (1841–81) and his *Rebellion of 1837* he produced most carefully written volumes of great value. They are marred by an inability, common to nearly all our Canadian writers, to do historical justice to the torities of earlier days, but, aside from that fault, deserve a high place in Canadian literature. Following, or immediately preceding, these works came John Mercier MacMullen's *History of Canada* (editions 1855, 1867, 1892), Dr. W. H. Withrow's *History of the Dominion of Canada* (1878) and Dr. George Bryce's *Short History of the Canadian People* (1887). Beamish Murdoch, Duncan Campbell, Abraham Gesner, Andrew Archer, Alexander Munro and James Hannay, meanwhile, surrounded Haliburton's brilliant pen by historical productions of standard value concerning New Brunswick or Nova Scotia. Dr. William Canniff issued his work upon *The Settlement of Upper Canada* in 1869, and Dr. Egerton Ryerson published *The Loyalists of America* in 1881. Haliburton's works were the precursors of a multitude of books in which the so-called American style of humor was embodied. They had tremendous popularity in their day and will always have a place in literature.

Meanwhile the great Northwest had been coming into prominence, and with its union to Canada in 1871 there grew up a mass of

descriptive and historical literature. Not exactly native of the soil but still instinct with the life and progress of the prairies, were a number of works published by travelers, some a short time prior to the above date. Chief of the latter was *The North-West Passage by Land*, written by Lord Milton and Mr. Cheadle. Others of an after-time were General Sir W. F. Butler's *Great Lone Land*, Stuart Cumberland's *Highway from Ocean to Ocean*, W. Fraser Rae's *Columbia and Canada*, Captain Huyshe's *Red River Rebellion* and Charles Marshall's *The Canadian Dominion*. But the promising field was soon occupied by Canadians. Paul Kane wrote his *Wanderings of an Artist* in 1859. Archbishop Taché in 1870 published a volume entitled *A Sketch of the North-West of America* and Principal Grant soon afterwards issued his fascinating little book *From Ocean to Ocean. The Prairie Province*, by J. C. Hamilton; *The Creation of Manitoba*, by Alexander Begg; *England and Canada*, a volume of travels across the continent by Sir Sandford Fleming; *Canada on the Pacific*, by Charles Horetzky, C.E.; the Hon. Alexander Morris's work upon *Indian Treaties*; *From Ontario to the Pacific*, by Mrs. Spragge, and *Mountain and Prairie*, by the Rev. Dr. D. M. Gordon; *Our North Land*, by C. R. Tuttle; *The History of Manitoba*, by Messrs. Gunn and Tuttle; and—most important to all the seekers after general information—Professor Macoun's *Manitoba and the North West* (1882) followed.

Four narratives of the second Northwest Rebellion have been written by G. Mercer Adam, the Rev. C. P. Mulvaney, M.A., Colonel the Hon. C. A. Boulton and the Rev. R. G. MacBeth, respectively. In 1894-95 appeared an elaborate and valuable, though not well-arranged work, in three volumes, by Alexander Begg, F.S.S., of Winnipeg, upon *The History of the North-West*. At the same time there was published *The History of British Columbia*, by Alexander Begg, of Victoria, B. C.—the pioneer work upon that particular subject. *The Selkirk Settlement*, by the Rev. R. G. MacBeth, of Winnipeg, a work upon the *Indians of the North-West*, by Dr. John MacLean, and narratives of pioneer missionary life by the Rev. E. R. Young and the Rev. George Young, must also be mentioned as of sterling interest and value. To return to Ontario, W. J. Rattray's *Scot in British North America* showed great ability and Nicholas Flood Davin's *Irishmen in Canada* was a work of unusual brilliancy and interest. J. Edmund Collins wrote a history of the administra-



tion of Lord Lorne which was marred by the constant intrusion of views peculiar to himself and fatal in their expression to any impartial presentation of current annals, while Dr. George Stewart published in 1878 a well-written and standard work upon Lord Dufferin's administration. William Leggo, of Winnipeg, was also author of a volume, full of valuable documents, upon the same subject.

From this time on new life was infused into Canadian literature by the gradual growth of a Canadian market, and of readers from the Atlantic to the Pacific into whose minds had filtered the slow but certain consciousness of a Canadian national sentiment and an appreciation of Canadian history, scenery, achievements and leaders. Within the next few years several histories of Canada appeared. First and foremost was the great work of Dr. William Kingsford, a monument of research, honest effort and patriotic principle. Inspired by the desire to give a broad view of Canadian historic life, unmarred by race or religious prejudice, he commenced the work in 1887, at the age of sixty-eight, and issued a volume a year until the ten volumes were completed in 1898. The author gave a distinctly new view of early struggles in Canada based upon deep study of its documentary annals. The work was not an eloquent one nor was it written in an interesting way, but, with all limitations in this direction and all faults of style and arrangement admitted, the work remains and must continue for an indefinite period, to be the standard history of the country up to the union of 1841. Two single volume histories of interest and value were those of Charles G. D. Roberts and Sir John George Bourinot. The latter was written for the *Story of the Nations* series. The Rev. W. P. Greswell, M.A., of Cambridge, England, published a *History of Canada* some years ago which affords a useful summary. School histories of Canada were written in the early sixties by Dr. J. George Hodgins and Mr. (now Chancellor Sir) J. A. Boyd. Later, Messrs W. J. Robertson and G. Mercer Adam published a small volume and still more recently those written by W. H. P. Clement, B.A., of Toronto, and J. B. Calkin, M.A., of Truro, N. S., have been issued. D. B. Read, Q.C., besides some serious biographical work, published in 1897 a history of that fruitful theme, *The Rebellion of 1837*.

Of great value in an historical sense and of importance also as indicating the growth of a strong and permanent interest in Canadian annals were the local histories issued during these years. The following were the most important:

- Toronto of Old  
Rev. Dr. H. Scadding.
- The Roman Catholic Church in the  
Niagara Peninsula  
Very Rev. Dean Harris.
- Sketches of Upper Canada  
Thomas Conant.
- Counties of Leeds and Grenville  
T. W. H. Leavitt.
- History of Scarborough  
David Boyle.
- History of Pictou, N. S.  
Rev. Dr. G. Patterson.
- History of Glengarry County  
J. A. Macdonnell, Q.C.
- Historical Sketch of Dundas  
James Croil.
- Quebec, Past and Present  
Sir James LeMoine.
- La Seigneurie de Lauzon  
J. Edmond Roy.
- The Parish of Sault au Recollet  
Rev. C. P. Beaubien.
- The County of Lunenburg, N. B.  
M. D. DesBrisay.
- Montreal, Past and Present  
Alfred Sandham.
- Peterborough and Victoria  
Hon. Thomas White.
- L'Ile d'Orleans  
Abbé L. E. Bois.
- Louisbourg in 1745 (edited)  
Prof. G. M. Wrong.
- Handbook on Montreal  
Dr. S. E. Dawson.
- Toronto, Past and Present  
G. Mercer Adam.
- Ottawa, Past and Present  
C. Roger.
- The Ontario Parliament Buildings  
Frank Yeigh.
- Landmarks of Toronto (5 vols.)  
J. Ross Robertson.
- Pioneer Sketches of Long Point Settlement  
E. A. Owen.
- The Eastern Townships  
Mrs. C. M. Day.
- History of Compton County  
L. S. Channell.
- Lake St. Louis: Old and New  
Hon. D. Girouard.
- History of Annapolis County  
Judge Savary.
- History of Huntingdon County  
Robert Sellar.
- History of Galt and Dumfries  
Hon. James Young.
- Picturesque Quebec  
Sir James LeMoine.
- Historical Account of Cape Breton  
Sir J. G. Bourinot.
- History of Halifax City  
T. B. Aikin, D.C.L.
- The Saguenay and Lake St. John  
Arthur Buies.
- History of Argenteuil and Prescott  
C. Thomas.
- Annals of Niagara  
W. Kirby.
- History of Northern New Brunswick  
R. Cooney.
- Ten Years in Winnipeg  
A. Begg, W. R. Nursey.
- Toronto Called Back  
C. C. Taylor.
- History of the County of Brant  
C. P. Mulvaney.
- Toronto: An Historical Sketch  
J. Castell Hopkins.
- Chronique du Rimouski  
l'Abbé C. Guay.

Easily first of Canadian writers upon specific localities was Sir James Macpherson Le Moine, whose busy pen made his name a household word in the Province of Quebec. M. Faucher de St. Maurice



in his day contributed some fascinating pages to the local annals of the same Province. *Picturesque Canada*, edited by Principal Grant, was a notable work in this connection. Minor books of interest upon descriptive subjects were l'Abbé V. A. Huard's work on Labrador and Anticosti; the Hon. Thomas White's *Chronicles by the Way* in Manitoba and the Northwest (1879); Alexander Munro's volume on the resources, etc., of the Dominion, published in 1879; the Rev. Dr. A. Sutherland's *A Summer in Prairie Land* (1881); and Miss Mary Fitzgibbon's *Trip to Manitoba*. Turning to later volumes upon special periods or events in Canadian history, reference must be made to Lady Edgar's *Ten Years of Upper Canada, 1805-15*; M. Edouard Richard's *History of the Acadians*; and especially to the numerous valuable pamphlets written by Colonel Ernest Cruikshank, of Niagara. Alexander MacArthur's volume on *The Causes of the Manitoba Rising in 1869-70*; C. R. Tuttle's *Illustrated History of Canada* (1879); the two works by Robina and Kathleen Lizars entitled *Humours of '37* and *In the Days of the Canada Company*; *Stories from Canadian History*, by T. G. Marquis, and a similar volume in collaboration with Miss Agnes Maule Machar entitled *Stories of New France*; the Rev. R. G. MacBeth's *Farm Life in the Selkirk Colony* must also be mentioned with appreciation.

For many years Dr. Douglas Brymner, the keeper of the Canadian archives, did a quiet work of value beyond estimate to future Canadian historians, authors and statesmen. His annually published volume, or report, contained a mass of documentary data upon our early history of unique interest. George Johnson, as dominion statistician and editor of the *Government Year-Book* and by such valuable little publications as *First Things in Canada* also did much to extend knowledge of modern Canada as Dr. Brymner did of earlier Canada. In this connection another writer deserves attention, though he would be the last to claim any particular brilliancy of style or beauty of language—Henry J. Morgan. In days when Canadian literature was popularly supposed to be non-existent; when Canadian sentiment was a somewhat intangible quantity and was certainly not applied to the purchase of the product of Canadian pens, Mr. Morgan wrote and published a continuous succession of books, calculated to preserve important historical and biographical details and promote public knowledge of matters Canadian. The following list of his works may be given here:

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|---|--|
| Tour of H. R. H. The Prince of Wales (1860).      | The Bibliotheca Canadensis (1867).           |
| Sketches of Celebrated Canadians (1862).          | The Canadian Legal Directory (1878).         |
| Buchanan on Industrial Politics (edited) (1864).  | Canadian Men and Women of the Time (1898).   |
| Speeches of Hon. T. D'Arcy McGee (edited) (1865). | Canadian Men and Women of the Time (1911).   |
| The Place of British Americans in History (1865). | Canadian Parliamentary Companion (1862-76).  |
|   | Dominion Annual Register (edited) (1878-86). |

Another author who wrote much about Canada which deserved appreciation was G. Mercer Adam. His editorial work in connection with the *Canadian Monthly* and the *Canadian Educational Monthly*; his *History of the Canadian North West* and a Canadian novel written in conjunction with Miss Wetherald; his *Outline of Canadian Literature* and many hand-books of Canadian cities or districts; his continuous contributions in papers, periodicals and works of local history did much good service to the country. Of great and permanent value in Canadian history is Dr. J. George Hodgins' *Documentary History of Education in Upper Canada* (28 volumes) and a volume made up of various special contributions entitled *Eighty Years Progress of British North America*, which was published in 1864. Special reference must also be made to a most exhaustive work upon British Columbia by E. R. Gosnell, *The Year-Book for 1897*. Of a different nature but still none the less valuable were the works upon *Political Appointments and Elections in United Canada from 1841 to 1865* compiled by the late J. O. Côté and continued for the whole Dominion up to 1895 by his son, N. Omer Côté. Mention may also be made of A. T. McCord's *Canadian Dictionary of Dates*, James Kirby's *B. N. A. Almanac* (1864) and Arthur Harvey's *Year-Book*, which he edited from 1867 to 1870. In this connection a word must be said of the valuable literature of specified and special subjects which is contained in the publications or annual proceedings of the Nova Scotia Historical Society, the Manitoba Historical Society, the Quebec Historical and Literary Society, the Royal Society of Canada, the Canadian Institute, the Niagara Historical Society, the New Brunswick Historical Society, the Numismatic and Antiquarian Society of Montreal and other similar organizations.

Biography is an important adjunct of history, and in many



cases furnishes the most faithful and interesting form of historic writing. It is only in recent years that Canadian development has reached the stage of appreciating this particular phase of literary labor, though it now seems to have taken a strong hold upon popular opinion. Condensed and short biographies comprise the earlier form of this branch of our literature, and Dent's *Canadian Portrait Gallery*, Fenning's Taylor's *British Americans*, Morgan's *Celebrated Canadians* and Rose's *Cyclopædia of Canadian Biography* were standard works in this respect. *The Canadian Biographical Dictionary*, Dr. Cochrane's *Men of Canada* and Louis H. Taché's *Men of To-Day* were useful volumes for purposes of biographical reference, though the first two works were marred by the intrusion of names which should never have been given space. F. R. E. Campeau's *Illustrated Guide to the Senate and Commons* (1879) and C. H. Mackintosh's *Parliamentary Companion*, continued to date by J. A. Gemmill, A. J. Magurn and E. J. Chambers, must also be mentioned. D. B. Read's *Lives of the Judges*, Dr. Mockridge's work upon the Bishops of the Church of England in Canada, Fenning's Taylor's *Last Three Bishops* appointed by the Crown in Canada are of importance. In Quebec, the valuable work upon its Roman Catholic Bishops, *Les Evêques de Quebec*, by Mgr. Henri Têtu and the historical supplement in six volumes entitled *Les Mandements des Evêques*, must be mentioned. L. O. David published a couple of volumes of miscellaneous French-Canadian biography. *Les Canadiens de l'Ouest*, by the Hon. Joseph Tassé and *La Genealogie les Familles Canadiennes*, by Mgr. Cyprian Tanguay, were both of standard value. The earliest biographical works of an individual character, and of any note, included Hon. W. Anaund's *Letters and Speeches of Joseph Howe* (1858) and Edward Ermatinger's *Life of Colonel Talbot* (1859).<sup>2</sup> Other works were as follows:

## TITLE AND AUTHOR

Memoir of Sir Brenton Haliburton	Life of Mgr. Provencher
Rev. George W. Hill.	L'Abbé G. Dugas.
Life of Sir William Logan	Life of F. X. Garneau
Prof. B. J. Harrington.	Hon. P. J. O. Chauveau.
Life of Bishop Richardson	Life of Sir John Macdonald
Rev. Dr. Thomas Webster.	J. Edmund Collins.

<sup>2</sup>Though not written by Canadians, reference must be made here to W. L. Stone's *Biographies of Thayendanegea and Sir William Johnson*.

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|---------------------------------|------------------------------|
| Life of Egerton Ryerson         | Life of Sir John Macdonald   |
| Dr. J. George Hodgins.          | J. P. McPherson.             |
| Life of Hon. George Brown       | Life of Sir John Macdonald   |
| Hon. A. Mackenzie.              | Joseph Pope.                 |
| Life of Archbishop Lynch        | Life of Sir Isaac Brock      |
| H. C. McKeown.                  | D. B. Read, Q.C.             |
| Life of Bishop Strachan         | Life of J. Graves Simcoe     |
| Rt. Rev. Dr. A. N. Bethune.     | D. B. Read, Q.C.             |
| Life of Alexander Mackenzie     | Life of Sir Leonard Tilley   |
| Hon. G. W. Ross, William Buck-  | James Hannay.                |
| ingham.                         | Life of Sir John Thompson    |
| Life of Hon. W. H. Merritt      | J. Castell Hopkins.          |
| J. P. Merritt.                  | Memoirs of Bishop Burke      |
| Life of Letellier de St. Just   | Archbishop O'Brien.          |
| P. B. Casgrain.                 | Life of Rev. Robert Burns    |
| Life of Hon. Joseph Howe        | Rev. Dr. R. F. Burns.        |
| George E. Fenety.               | Life of Colonel Fitzgibbon   |
| Vie de P. C. de Maissonneuve    | M. A. Fitzgibbon.            |
| Rev. P. Rosseau.                | Life of Hon. R. Cartwright   |
| Life of the Rev. Dr. Fyfe       | Rev. E. C. Cartwright.       |
| Dr. J. E. Wells.                | Vie de Mgr. de Laval         |
| Vie de M. Faillon               | L'Abbé A. H. Gosselin.       |
| L'Abbé Desmazures.              | Life of Senator Macdonald    |
| Life of Bishop Medley           | Rev. Dr. H. Johnston.        |
| Rev. W. F. Ketchum.             | Life of Rev. D. J. Macdonell |
| Memoir of Bishop G. J. Mountain | Prof. J. H. McCurdy.         |
| Rev. A. W. Mountain.            | Life of Rev. Dr. Mathieson   |
| Memoir of Rev. Dr. J. McGregor  | Rev. Dr. Jenkins.            |
| Rev. G. Patterson.              | Memoir of Rev. Dr. Wilkes    |
| Memoir of Rev. Dr. J. Bayne     | Rev. John Wood.              |
| Rev. G. Smellie.                | Life of Samuel de Champlain  |
| Biography of Hon. H. Mercier    | N. E. Dionne.                |
| J. O. Pelland.                  |                              |
| Vie de C. F. Painchaud          |                              |
| N. E. Dionne.                   |                              |

The most important of these works from an historical standpoint was Sir Joseph Pope's *Biography of Sir John Macdonald*. Taken in connection with the same writer's volume of *Confederation Documents* it threw much valuable light upon the growth of the Canadian constitution and the political records of the last half century. In Lower Canada a number of historical volumes of importance have been produced in the form of what may be termed religious biographies. Among these works, anonymous in their nature or compiled by the combined labors of the inmates of some religious establishment,



were the Lives of Mde. Mance, La Soeur Bourgeois, Mde. D'Youville, Mère Marie Rose and the Bishop de St. Vallier. There has not been much of autobiography in Canadian literature. The strain of private and public labors upon the prominent men of the country was too great to permit of it. Sir Francis Hinks' *Reminiscences*, Dr. Eger-ton Ryerson's *Story of My Life*, *The Memoirs of P. A. de Gaspé*, Samuel Thompson's *Reminiscences of a Canadian Pioneer* were the chief early exceptions. In constitutional literature Canada holds a distinctive place. The names of Todd and Bourinot rank with the best of English writers upon this great subject. Two works by Dr. Alpheus Todd, C.M.G., entitled, respectively, *Parliamentary Government in England* and *Parliamentary Government in the British Colonies*, are still standard volumes of reference in English-speaking communities. Some of Sir John George Bourinot's constitutional works were of a similarly high character, while others were intended for popular use. Among them were the following:

Parliamentary Procedure and Practice (1884).	Federal Government in Canada (1889). Canadian Studies in Comparative Politics (1890).
A Manual of the Constitutional History of Canada (1888).	How Canada is Governed (1897).
Local Government in Canada (1888).	

Other works upon the constitution of Canada in different phases of its development have been written by Chief Justice Sewell, of Quebec (1814), Fennings Taylor, the Hon. T. J. J. Loranger, the Hon. J. S. C. Wurtele, the Hon. C. C. Colby, Samuel J. Watson, Dr. D. A. O'Sullivan, Q.C., Joseph Doutre, Q.C., Edmond Lareau, J. R. Cartwright, Q.C., W. H. P. Clement and A. H. F. Lefroy. Before leaving this serious, solid and sometimes dull branch of our general literature a word must be said regarding the influence and work of Dr. Goldwin Smith. His books were always brilliant and nearly always controversial. During four decades they were mainly written in Canada, often published there, and always widely read in other countries. Yet it is difficult to term them a part of Canadian literature while it is equally impossible to eliminate the reputation of the writer from its historic record. Unlike Parkman, who was yet an alien in birth and residence and death, Dr. Goldwin Smith did not in his works, or in his countless contributions to the press and contemporary magazines, embody in any sense the spirit of Canadian history. Nor did he ever grasp the springs which moved the minds and directed

the policy of the Canadian people. After coming to Canada in 1871 he published, among many works, the following more important volumes:

Life of William Cowper (1880).	History of the United States (1893).
Lectures and Essays (1881).	Oxford and her Colleges (1894).
Conduct of England to Ireland (1882).	Essays on Questions of the Day (1896).
False Hopes (1883).	Guesses at the Riddle of Existence (1896).
Canada and the Canadian Question (1891).	The United Kingdom.
A Trip to England (1892).	Essays on Questions of the Day.

Turning to a lighter and brighter side of the general subject it will be found that romance has not held the place in Canadian literature which it should have done. Instinct as Canadian history is with myriad themes of romantic interest, it has yet remained to the last few years for Canadian novels and novelists to find their way into the hearts of the reading public. The French-Canadians were the first to realize the brilliant possibilities of fiction lying in the gloomy aisles of our primeval forests; amid the sunlit expanses of our rolling prairies or towering mountains; in the stirring and vivid pages of our national annals. Eugene l'Ecuyer, Patrice Lacombe, Joseph Marmette, P. A. de Gaspé, Gerin-Lajoie, P. J. O. Chauveau, Napoleon Bourassa, Jean Talon-Lesperance, Real Angers, each in turn contributed to the evolution of a romantic literature. But the public was limited and the appreciation not as pronounced as might have been desired. Perhaps the best of these volumes was *The Bastonnais* (1877), by Talon-Lesperance and *Jean Rivare*, by Gerin-Lajoie. In Upper Canada among the earliest efforts was Mrs. Moodie's *Flora Lindsay*. In 1886 appeared the Canadian story *An Algonquin Maiden*, by G. Mercer Adam and Ethelwyn Wetherald. In Nova Scotia Professor James De Mille published a number of stories which had a wide popularity in their day.

*Professor Comant*, by the Hon. L. S. Huntingdon, and *For King and Country*, by Miss Machar, of Kingston, followed, together with sundry novels and tales of Canadian life by Mrs. Leprohon, Miss Louisa Murray, Mrs. J. V. Noel, Mrs. Annie Rothwell Christie, Watson Griffin, Mrs. S. Frances Harrison, W. D. Lighthall, and others, which were usually published in the magazines or journals of the time. In later years clever short stories were written by the Rev. Arthur Wentworth Eaton, Majory MacMurchy, Maud Ogilvy, C. L. Betts,



the Rev. F. G. Scott, Stuart Livingston, Mrs. John E. Logan, Grace Dean McLeod Rogers, the Rev. W. H. Withrow, Miss F. G. Gwilt and F. Blake Crofton. W. A. Fraser won considerable reputation in this direction, while E. W. Thompson made a distinct mark by his *Old Man Savarin* and similar stories. But the central work of Canadian romance up to a very few years ago, and one which will hold a permanent place despite admitted faults of style, was William Kirby's *Le Chien D'or* (1877). This novel brought before the reader much of the early stirring life of French Canada and made Mr. Kirby the founder of a school of which Sir Gilbert Parker is the most famous exponent.

It was Sara Jeannette Duncan (Mrs. Everard Cotes), however, who in 1890 first really came before the reading world as a Canadian novelist, with her charming volume entitled *A Social Departure*. Other more or less popular works from her pen have since been steadily issued. Her example was followed in 1891 by Miss Lily Dougall, of Montreal, with *Beggars All*. A number of well-received volumes have since been written by Miss Dougall and been read far from the shores of her native land. Edmund E. Sheppard had meanwhile written three novels, notable for their clever character and dialect sketches: *Dolly*, *Widower Jones* and *A Bad Man's Sweetheart*. Grant Allen, a Canadian by birth, made himself generally popular by a number of novels, but as they in no sense touched Canada or Canadian life and history and were neither written nor published there, they can hardly be included in Canadian literature. So, in a great measure, with the works of Robert Barr ("Luke Sharpe") and those of Margaret M. Robinson, author of *Christie Redfern's Troubles* and other popular stories. Very different has it been with Sir Gilbert Parker. Intensely proud of his country and inspired to the point of enthusiasm by its picturesque and peculiar annals he has produced a series of novels which have not only made him famous in English-speaking countries but have illustrated Canadian history and adorned its native literature. The following are his chief works:

A Lover's Diary (Poetry).  
The Wedding Day (A Drama).  
An Adventurer of the North.  
The Chief Factor.  
The Trail of the Sword.  
The Seats of the Mighty.  
The Battle of the Strong.  
The Ladder of Swords.

Around the Compass in Australia.  
Pierre and His People.  
The Translation of a Savage.  
A Trespasser; Mrs. Falchion.  
When Valmond Came to Pontiac.  
The Pomp of the Lavilletes.  
Donovan Pasha; The Weavers.  
Cummer's Son; Northern Lights.

It is safe to say that the Canadian novel has now come to stay and that one of the most brilliant pages in the national literature has opened up to view. Charles G. D. Robert's *Forge in the Forest* was an early illustration of this fact. J. Macdonald Oxley in recent years won a high and deserved reputation as the "Henty" of Canada. Miss Joanna E. Wood in her *Judith Moore* and *The Untempered Wind*, wrote a pair of very creditable Canadian stories. Mrs. S. Frances Harrison in *The Forest of Bourg Marie*, produced a work which showed dramatic power and much descriptive skill, while W. D. Lighthall in his novel *The False Chevalier*, William McLennan in *Spanish John*, Edgar Maurice Smith in *Aneræstes the Gaul*, Blanche Lucille Macdonell in *Diane of Ville Marie*, and Ralph Conner (Rev. Charles W. Gordon, of Winnipeg) in *Black Rock*, and others wrote stories which were a credit to the literature of the country. Mrs. Henshaw ("Julia Durham"), of Victoria, B. C., and Miss Marshall Saunders, of Halifax, N. S., have also, from the ends of the Dominion and three thousand miles apart, produced novels of considerable merit.

In poetry Canada has always deserved, though it has not always received, a high place. I must pass over the brilliant French school which in a fragmentary and somewhat journalistic way has conferred honor upon Canadian literature. The best early representatives of this school, in 1832-37, were F. X. Garneau, J. G. Barthe, G. Laviolette and J. E. Turcotte. These were followed by a multitude of clever young writers in romance and poetry and politics, most of their productions appearing in pamphlets or brilliant but ephemeral journals. A special word must, however, be said regarding Louis Honoré Fréchette, who received the laureated approval of the French Academy; who was honored by the late Queen with a C.M.G., and who was described by Professor Leigh Gregor, of McGill University, Montreal, as the acknowledged chief of French-Canadian litterateurs. Charles Heavyside, Charles Sangster, Alexander McLachlan, William Kirby, John Reade and Isabella Valancey Crawford, hold the highest place amongst the earlier poets of English-speaking Canada. Others of the middle of the century who must be mentioned were J. J. Proctor, Isidore, G. Ascher, Helen M. Johnson, Jennie E. Haight, Harriet Annie Wilkins, Pamela S. Vining, William Wye Smith, Annie L. Walker, Rev. Edward Hartley Dewart, Professor E. J. Chapman, Evan McColl, George Martin, Mrs. Susanna Moodie,



John F. McDonnell, Rhoda Ann Page (Mrs. Faulkner), William Pittman Lett.

New Brunswick poets of an earlier day were the Hon. Jonathan O'Dell and William Murdoch. Magnus Sabiston, of St. John, also wrote some clever verse and James De Mille found time amidst his novel writing for the publishing of some excellent poetry. So in Nova Scotia, with Oliver Goldsmith, James Hogg, John McPherson, Thomas Knight and C. M. DesBrisay. Of Heavye's *Saul* the "North British Review" of August, 1858, declared that it was "Undoubtedly one of the most remarkable English poems ever written outside of Great Britain." Among English-speaking poets of a later day in Canada, Roberts, Campbell and Lampman were easily first in popular esteem. It would be a difficult task to anywhere find more eloquently patriotic verse than some of Roberts' productions; more beautiful descriptive poetry than in Campbell's *Lake Lyrics*; or a more delicate witchery than in many of Lampman's fugitive pieces.

Apart from these poets, in the sense of popularity, but ranking with them in the power of his verse was Charles Mair. The day will surely come when his drama of *Tecumseh* will rank among the great literary productions of the country, not only in the library of the student or isolated critic, but in the minds of the people as well. Other Canadian poets of the past thirty years were very numerous, but their poetry of most unequal merit. John Reade, of Montreal, must be placed among the highest and best. The special qualities of his verse have been described as sweetness and culture. For popularity and grasp of poetic dialect Dr. W. H. Drummond held a very high place. Dr. Theodore H. Rand, W. D. Lighthall, A. H. Chandler and the Rev. C. P. Mulvaney, Kate Seymour Maclean, Arthur G. Doughty, Thomas O'Hagan, Rev. A. W. H. Eaton, John Henry Brown, J. A. Logan, Mrs. Blewett, Bernard McEvoy, Hereward K. Cockin and Mrs. S. A. Curzon published volumes of verse which deserved high commendation. Bliss Carman, a most charming and brilliant poet, has long since made his home in the United States and his verse has lost the Canadian color which it once possessed as in *Low Tide on Grand Pré* (1893).

Among the politicians the late Hon. Joseph Howe, Sir J. D. Edgar, the Hon. David Mills, Nicholas Flood Davin and, especially, the late T. D'Arcy McGee have written some excellent poetry.

Facts of this nature afforded a pleasant indication of growing national culture. R. F. Kernighan is well known by his nom de plume of "The Khan," and some of his poems are so redolent of the farm and country life of the people and so instinct with the spirit of the soil as to have not only met wide popularity but merited a permanent place in Canadian literature. Arthur J. Stringer is another Canadian who, in isolated poems of great merit as well as in stories and novels, has shown the possession of distinct power. Others who must be mentioned are T. Arnold Haultain, J. W. Bengough, Walter Ratcliffe, John Stuart Thomson, Helen M. Merrill, Arthur Weir, Phillips Stewart, J. A. Richey, J. E. G. Roberts, Mary Barry Smith, H. L. Spencer, Robert Reed, John Imrie, T. G. Marquis, A. M. Taylor, Francis Rye, John Lowry Stuart, H. R. A. Pocock, Mary Morgan (Gowan Lea), Annie Campbell Huestis, A. R. Garvie, George T. Lanigan, Barry Stratton, W. A. Sherwood, C. L. Barnes, C. D. Shanly, C. E. Jukeway, K. L. Jones, T. R. Ramsay, J. R. Newell, George Gerrard, E. W. Thomson, Mrs. J. C. Yule, Mrs. W. H. Clarke, J. E. Pollock, Stuart Livingston and Clara Mountcastle.

It is a far call from poetry to science and kindred subjects, but in the latter department of literature Canada has excelled even many older countries. Sir William Dawson, Sir Daniel Wilson, Dr. A. R. C. Selwyn, Dr. George M. Dawson, Sir William Logan, Dr. H. Youle Hind and Dr. T. Sterry Hunt have ranked high in the scientific world. Elkanah Billings, Prof. Henry How, Henry Poole, Prof. J. B. Cherriman, William Cowper, Prof. Henry H. Croft, George and James Barnston, the Rev. William Hincks and Prof. Charles Smallwood, were voluminous writers in their day on subjects ranging from geology to meteorology. Profs. John Watson and J. Clark Murray in philosophy; Mrs. Catherine Parr Traill, Prof. John Macoun, and Dr. Alexander Milton Ross in natural history; Professors George Lawson, James Fletcher and George U. Hay in botany, etc., won a distinct place. Horatio Hale, Dr. G. F. Mathew, Dr. R. M. Bucke, Prof. E. J. Chapman, Prof. B. J. Harrington, Prof. R. W. Ellis, Prof. R. Ramsay Wright, Dr. Robert Bell, G. C. Hoffman, Dr. William Saunders, F. D. Adams, Prof. D. B. Penhallow, Dr. E. Gilpin, Jr., Prof. W. H. Pike, Rev. Dr. C. J. S. Bethune, R. G. McConnell, Principal Loudon of Toronto University, Prof. H. T. Bovey, Prof. W. L. Bailey, H. M. Ami, Robert Grant Haliburton, Edward E. Prince, Dr. Neil MacNish and Prof. John Campbell all earned



high reputations for scholarship or original research and for publications connected with some branch or other of the field of science. A most important subject in Canada which may be referred to here is Forestry and the general question of preserving the forests of the country. It has been dealt with most fully and authoritatively over a long term of years and in many publications by the late R. W. Phipps, and by A. T. Drummond, Edward Jack, J. C. Chapais, H. B. Small and Sir Henri Joly de Lotbinière. In the interesting subject of Numismatics Stanley Clark Bagg and R. W. McLachlan have written much.

In legal literature some good work has been done in Canada. The late Sir J. J. C. Abbott on *Insolvency and Railway Law*, Sir J. D. Edgar and F. H. Crysler on *Insolvency Law*, C. O. Ermatinger and Thomas Hodgins on *Franchise Law*, J. A. Barron on *Conditional Sales*, E. Douglas Armor on *Titles*, Hon. D. Girouard and Dr. J. J. Maclaren on *Bills and Notes*, W. D. McPherson and J. M. Clark on *Mining Laws*, Hon. R. A. Harrison on *Municipal Law*, C. M. Holt on *Insurance Law*, Henry Abbott on *Railway Law* and the Hon. H. E. Taschereau on *Criminal Law* have written authoritatively. Francois Joseph Cignet, P. G. Mignault, J. R. Cartwright, John Crankshaw, L. A. Audette, E. Lareau, G. S. Holmstead, C. H. Stephens, S. Pagnuelo, S. R. Clarke, Alfred Howell, A. T. Hunter, W. Howard Hunter, G. W. Wickstead, Sir J. R. Gowan, R. E. Kingsford, A. H. Marsh, Hon. Archer Martin, Hon. Michel Mathieu, Chief Justice Sir T. W. Taylor, Alexander Leith, Joseph Doutre, Judge MacLennan, Christopher Robinson, J. F. Joseph, R. Vashon Rogers, Henry O'Brien, Hon. T. K. Ramsay, Sir James Lukin Robinson, J. P. Foran, County Judges J. S. Sinclair and J. G. Stevens have all published volumes upon special branches of Canadian law or practice. Others who have written much, though in a less definite form, were Edward Carter and Dr. James Kirby, of Montreal; John King, C. R. W. Biggar and D. E. Thompson, of Toronto; Benjamin Russell, of Halifax, and R. Stanley Weir, of Montreal.

To ecclesiastical history and literature much has been contributed by Canadians, but only a few volumes of really first rank. Principal Grant in his *Religions of the World*, L'Abbé Auguste Gosselin in his *L'Eglise Du Canada*, Professor William Clark in his *Life of Savonarola*, Dr. William Gregg in a *History of the Presbyterian Church in Canada*, M. Faillon in his great work upon the annals of

Canadian Roman Catholicism, *L'Histoire de la Colonie Francaise*, have occupied high ground in a distinctly able manner. The foremost Methodist writer of the past has been Dr. Egerton Ryerson, and perhaps the best known one of the present is the Rev. Dr. Albert Carman. The most valuable historical work done in that denomination has been by the Rev. Dr. George H. Cornish, the Rev. George Playter, the Rev. Dr. John Carroll and the Rev. Dr. T. Watson Smith. The latter's *History of the Church in the Maritime Provinces* is of much value. The Rev. Dr. Mathew Richey wrote voluminously. The Church of England, in Canada, has produced many able writers, but few great literary works. Bishop Strachan and Bishop Bethune, of Toronto, Bishop G. J. Mountain, of Quebec, Bishop Hellmuth, of London, Bishop Oxendon and Bishop Fulford, of Montreal, Bishop Medley and Bishop Kingdon, of Fredericton, and Bishop Charles Inglis, of Halifax, have, in their time, written upon various ecclesiastical topics, the first named being one of the strongest controversialists in Canadian annals. Volumes of some value upon church history have appeared from time to time by the Rev. H. C. Stuart, Dr. T. B. Aikin, the Rev. A. Wentworth Eaton, F. C. Wurtele, Archdeacon Roe, Rev. Dr. John Langtry, and S. Herbert Lee. The Rev. Dr. John McCaul wrote upon religious as well as classical subjects. Presbyterianism has not been very productive in a literary sense, and its best known names are those of the Rev. Dr. James McGregor, Dr. Robert Burns, Dr. R. F. Burns, Dr. Alexander Mathieson, Dr. John Jenkins, Principal Grant and Dr. Gregg. Dr. William Cochrane wrote some interesting religious works as did Dr. William Ormiston. Dr. George Patterson and Prof. John Campbell were known in connection with various historical subjects, while Dr. John Laing wrote much on controversial topics of current importance. The Rev. Dr. Robert Campbell wrote a useful *History of St. Gabriel Street Church in Montreal*.

The literary productions of Roman Catholicism include the works of M. Faillon and l'Abbé Gosselin in particular and much of the historical and poetic literature of French Canada in general. Its influence upon the development of Canadian culture has been upon the whole distinctly beneficial. Bishop Jean Langevin, Archbishop O'Brien, Mgr. C. Tanguay, Mgr. Têtu, Dean Harris, Mrs. Mary A. Sadlier, Rev. J. M. Coffee, J. K. Foran, Rev. Æneas McDonell Dawson, Rev. Dr. J. R. Teefy, Rev. J. B. Dollard and Thomas O'Hagan



have largely contributed to the pages of Canadian Catholic literature. Miscellaneous writers who may be mentioned in connection with religious literature in Canada were the Rev. Dr. Joseph Wild, the Rev. Dr. Chiniquy, the Rev. Dr. John Carry, the Rev. Dr. T. E. Bill, the Rev. Dr. J. M. Cramp, Dr. R. A. Fyfe, Dr. Henry Wilkes, Dr. Abraham de Sola, the Rev. Dr. J. M. King. Professor William Clark, already mentioned, in many published lectures and essays proved himself one of the most cultured and scholarly of Canadian authors. Charles Lindsay in his *Rome in Canada* (1878) and in an earlier work upon the *Clergy Reserves*, assumed a strongly controversial position, but admitting this, the volumes were still of distinct interest and value.

In bibliography G. B. Faribault, Phileas Gagnon, William Kingsford, H. J. Morgan, W. R. Haight and C. C. James have done good work. In 1864 Dr. E. H. Dewart published a volume entitled *Selections from Canadian Poetry*. This was supplemented in Quebec in 1874 by Edmund Lareau with his *Histoire de la Litterature Canadienne*, in 1881 by Dr. L. P. Bender's *Literary Leaves*, and in 1889 by W. D. Lighthall's *Songs of the Great Dominion*. In this connection Sir J. G. Bourinot's work upon *Canadian Intellectual Development*, Miss J. E. Wetherell's *Later Canadian Poets*, Mrs. Frances Harrison's *Birthday Book*, L. H. Taché's *La Poesie Francaise*, William McLennan's volume of translations entitled *Songs of Old Canada*, Professor George M. Wrong's annual volumes reviewing Canadian historical publications and *Patriotic Selections* by the Hon. G. W. Ross were of value and interest. Turning to another line of literary work, reference must be made to a volume of great value written by James H. Bartlett dealing with the coal, iron and steel development of Canada. George E. Drummond and B. T. A. Bell have written largely on the same subject, while Prof. A. B. Wilmott has published a useful work on the *Mineral Wealth of Canada*. The late Charles F. Smithers, the late James Stevenson, George Hague, Sir Edmund Walker and Professor Adam Shortt, of Kingston, have written largely upon either the practice or history of banking in Canada.

In controversial literature the names of Bishop Strachan and Dr. Ryerson stand pre-eminent. Associated with them in the old days of pamphleteering activity were William Lyon Mackenzie, the late Chief Justice W. H. Draper, C.B., Sir John Beverley Robinson, Dr. William Dunlop, the Hon. R. B. Sullivan and the Hon. William

Morris. A little later came Sir Francis Hincks, the Hon. Isaac Buchanan, Ogle R. Gowan, T. D'Arcy McGee, the Hon. William McDougall, the Hon. W. H. Merritt, Sir A. T. Galt, John Sheridan Hogan and the Hon. Alexander Morris. In Lower Canada were L. J. Papineau, H. S. Chapman, D. B. Viger, Andrew Stuart, and, later on, Joseph Royal. In the maritime provinces the Hon. John G. Marshall, George R. Young and Pierce Stevens Hamilton wrote largely. In more recent years the late Sir John Christian Schultz, the Hon. Thomas White, the Hon. C. H. Mackintosh, L. G. Desjardin, the late John Maclean, the Hon. C. C. Colby, Sir David Macpherson, W. A. Foster, Q.C., the Hon. James Young and J. S. Ewart, Q.C., have written largely upon political subjects. In medicine Dr. Henry Howard, Dr. A. T. Holmes, Sir James Grant, M.D., Sir W. H. Hingston, M.D., Dr. James Bovell and Dr. Anthony Von Iffland have written much, while Dr. William Canniff's *History of the Medical Profession in Upper Canada* is of importance for reference.

There is a very large and increasing mass of general literature in Canada of books which can hardly be placed under distinct heads and yet ought to be mentioned in such a review as this. E. T. D. Chambers, by his descriptive works upon the sports and scenery of Quebec, F. Barlow Cumberland by his *History of the Union Jack* and J. W. Tyrrell in his popular *Across the Sub-Arctics of Canada* have earned a place in Canadian literature. J. Hampden Burnham has published a useful book entitled *Canadians in the Imperial Service*. The Hon. J. H. Gray wrote one interesting volume of a proposed *History of Confederation*, but never completed the work. The Hon. T. D'Arcy McGee wrote upon *Federal Governments* and, like everything which he treated, the result was attractive and most valuable. In 1898 there appeared a most useful work upon *Steam Navigation in Canada* by James Croil. Jehu Matthews in his *Colonist and the Colonial Question* (1872), published one of the earliest works of importance upon *Imperial Federation*. Oliver A. Howland, in his *New Empire*, afforded a most interesting review of the growth of existing Imperial conditions. Sir Sandford Fleming and Thomas C. Keefer, C.M.G., have written much upon questions connected with the material development of the country. Dr. George R. Parkin, C.M.G., wrote an eloquent volume upon *Imperial Federation*. His *Life and Letters of Edward Thring*, published in 1988, is, however, the most important of his literary works.



Among miscellaneous Canadian authors dealing with subjects not exclusively or mainly Canadian, perhaps the highest place should be given to Lieutenant-Colonel George T. Denison, whose *History of Cavalry* (1877), in competition with the works of officers from many countries, won a prize offered by the Emperor of Russia for the best work upon the subject. His *Modern Cavalry* (1868) had previously earned for him a distinct reputation. Upon general military matters in Canada Lieutenant-Colonel L. T. Suzor wrote much in the early sixties. A word must be said for the work of Hon. J. W. Longley, of Halifax, in the region of belles lettres. His little volume of essays entitled *Love*, published in 1898, reached a notable level of cultured expression. The various educational works of Sir G. W. Ross, of Toronto, were also of a high order, while his lectures on public topics have done much to promote a high view of the Imperial question.

Outside of Canada many Canadians have of late years distinguished themselves. Sir George Duncan Gibb, Bart., M.D., was a great medical writer; Sir William Osler is to-day one of the chief medical authorities of the United States and Great Britain; Dr. Beattie Crozier in London has won a high place in English science and literature; Montague Chamberlain is an American authority in the realm of natural history; the late Bishop Gillis of Edinburgh, was a voluminous writer on Roman Catholic polemics; Robert Barr, Grant Allen, Elinor Glyn, May Agnes Fleming and Stinson Jarvis have been, or are, well known in the world of novels; Ernest Thompson-Seton has become widely popular in the United States by his works dealing with wild animal life; the Hon. Charles Wentworth Upham has written standard works on local American history; John Foster Kirk has won eminence in the United States as an historian; Dr. George McCall Theal's is the most eminent name in the historical literature of Cape Colony. So with the names of Bliss Carman, Charles G. D. Roberts, Norman Duncan and A. J. Stringer, New York; E. W. Thomson, Boston, and Stanley Waterloo, Chicago. These latter appear to have maintained their Canadian affiliations and interests while rising in the field of international fiction or literature.

During the decade or so ending with 1912, a new and fruitful list of writers has arisen in Canada. In novels and romances Alice M. Jones, Jean N. McIlwraith, Wilfrid Campbell, Theodore Roberts, Margaret A. Brown, Vallance Patriarche, A. E. McFarlane, A. P.

McKishnie, Adelaide M. Teskey, Virna Sheard, Agnes C. Laut, R. L. Richardson, Dr. W. F. Grenfell, Kate Westlake Yeigh, Hampden Burnham, Prof. E. P. Leacock, R. W. Service, Rev. H. A. Cody, Marian Keith, A. R. Carman, Nellie L. McClung and Harvey J. O'Higgins have published volumes of merit. Certain authors sprang into wide popularity and recognition and their chief works may be tabulated in a few cases as follows:

## W. A. FRASER

Thoroughbreds (1902).  
The Blood of Lilies (1903).  
Za-Zada Tale (1905).  
Brave Hearts (1904).  
Thirteen Men (1906).  
The Lone Furrow (1907).

## REV. R. E. KNOWLES

St. Cuthbert's (1905).  
The Undertow (1906).  
The Dawn of Shanty Bay (1907).  
The Web of Time (1908).  
The Attic Guest (1909).  
The Handicap (1910).  
The Singer of the Kootenay (1911).

## L. M. MONTGOMERY

Anne of Green Gables (1908).  
Anne of Avonlea (1909).  
Kilmeny of the Orchard (1910).  
The Story Girl (1911).  
Chronicles of Avonlea (1912).

## C. G. D. ROBERTS

The Kindred of the Wild (1902).  
Barbara Ladd (1902).  
Poems (1912).  
Red Fox (1905).  
The Heart that Knows (1906).  
The Hunters of the Silence (1907).

## MRS. EVERARD COTES

The Delightful Americans (1902).  
The Pool in the Desert (1903).  
The Imperialist (1904).  
Set in Authority (1906).  
Cousin Cinderella (1908).  
The Burnt Offering (1911).

## ARTHUR J. STRINGER

The Silver Poppy (1903).  
Lonely O'Malley (1905).  
The Wire Tappers (1906).  
The Woman in the Rain and Other Poems (1907).  
The Under Groove (1908).  
Irish Songs (1911).

## REV. C. W. GORDON—(RALPH CONNOR)

Glengarry School Days (1902).  
The Prospector (1904).  
The Doctor (1906).  
The Foreigner (1909).  
Recall of Love (1910).

In poetry there has of late been an abundance of material. Robert W. Service in his *Songs of a Sourdough* (1907) struck a new and popular chord of thought which was followed up with *The Ballads of a*



*Cheechako* (1909) and *Rhymes of a Rolling Stone* (1912), while his novel entitled *The Trail of '98* was published in 1910. R. J. C. Stead, of Manitoba, in *Empire Builders* (1908); *Prairie Born and Other Poems* (1911) and *Songs of the Prairies* (1911), produced verse of a ringing and rythmical nature which won prompt patriotic appreciation. Isabel E. MacKay, J. A. Tucker, Carroll Ryan, E. Pauline Johnson, Clive Phillipps-Wolley, A. J. Stringer, A. J. Lockhart, Duncan Campbell Scott, Dr. W. H. Drummond, Rev. Dr. F. G. Scott, Jean Blewett, J. D. Logan, Helena Coleman, Peter McArthur, T. R. E. McInnes, Rev. J. B. Dollard and W. M. McKeracher all produced poetry of a more or less high order. In history, the writer of this article published (1899) the pioneer *Encyclopædia of Canada*, a record in six volumes of Canadian conditions and history written by three hundred of the most eminent men in the country. Since 1900, also, he has published annually *The Canadian Annual Review of Public Affairs*, a study of events and conditions in Canada from ocean to ocean and in relation to other countries. In biography the most important publication has been the *Makers of Canada* series issued in 1903-8 as follows:

Egerton Ryerson  
Rev Dr. N. Burwash.

Lord Elgin  
Sir J. G. Bourinot.

Joseph Howe  
Hon J. W. Longley.

Papineau and Cartier  
A. D. De Celles.

Sir F. Haldimand  
J. N. McIlwraith.

Mackenzie, Selkirk and Simpson  
George Bryce.

Wolfe and Montcalm  
Abbé H. R. Casgrain.

Samuel de Champlain  
N. E. Dionne.

John Graves Simcoe  
Duncan C. Scott.

Sir Isaac Brock  
Lady Edgar.

Wilnot and Tilley  
James Hannay.

Lord Dorchester  
A. G. Bradley.

George Brown  
John Lewis.

Bishop Laval  
A. L. de Brumath

Count Frontenac  
W. D. Le Sueur

Sir John Macdonald  
George R. Parkin.

Sir James Douglas  
E. R. Gosnell, R. H. Coats.

Lord Sydenham  
Adam Shortt.

W. L. Mackenzie  
G. G. S. Lindsey.

Robert Baldwin  
Rev. Dr. N. Burwash.

Sir L. H. Lafontaine  
E. P. Leacock.

Sir Francis Hincks  
Sir J. G. Bourinot.

*Other Historical Works 1902-12*

## TITLE AND AUTHOR

- |  |   |
|--|---|
| The Fight for Canada<br>William Wood                             | The Progress of Canada in the 19th<br>Century<br>J. Castell Hopkins.                              |
| The Talbot Régime<br>C. O. Ermatinger                            | History of Manitoba<br>D. M. Duncan.  |
| The Story of the Canadian People<br>D. M. Duncan.                | The Siege of Quebec (6 vols.)<br>A. G. Doughty, T. Chapais, E. T.<br>D. Chambers, G. W. Parmalee. |
| The Royal Tour in Canada<br>Joseph Pope.                         | Three Premiers of Nova Scotia<br>Rev. E. M. Saunders.   |
| Old Quebec<br>Sir G. Parker, Claude Bryan.                       | History of the Catholic Church in<br>Western Canada<br>Rev. A. G. Morice.                         |
| The War of 1812<br>J. Hannay.                                    | The Cradle of New France<br>A. G. Doughty.  |
| The Tragedy of Quebec<br>Robert Sellar.                          |   |
| Canadian Life in Town and Country<br>H. J. Morgan, L. J. Burpee. |   |
| The Story of the Dominion<br>J. Castell Hopkins.                 |   |

*Biographical Works, 1902-12*

## TITLE AND AUTHOR

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|--|---|
| Lord Strathcona<br>Beckles Willson.  | Father Lacombe: The Black-robed<br>Voyageur<br>Katharine Hughes.    |
| Life of King Edward VII<br>J. Castell Hopkins.   | Life of Sir J. B. Robinson<br>Maj.-Gen. C. W. Robinson.             |
| Sir Wilfrid Laurier and the Liberal<br>Party<br>J. S. Willison.                        | Life of Archbishop O'Brien<br>Katharine Hughes.                     |
| Laurier et Son Temps<br>Hon. L. O. David.  | Principal Grant<br>F. Hamilton, W. L. Grant.                        |
| Sir Oliver Mowat: A Biography<br>C. R. W. Biggar, K.C.                                 | Speeches and Addresses<br>John Charlton.                            |
| Life of Archbishop Machray<br>R. Machray.  | The Struggle for Imperial Unity<br>Colonel G. T. Denison.           |
| Reminiscences of Goldwin Smith<br>(edited)<br>T. Arnold Haultain.                      | Life and Letters of James Wolfe<br>Beckles Willson.                 |
| Reminiscences of Sir R. J. Cartwright<br>Life of James Robertson<br>Rev. C. W. Gordon. | Speeches and Published Letters of<br>Joseph Howe<br>J. A. Chisholm. |
| Diary of Mrs. John Graves Simcoe<br>(edited)<br>J. Ross Robertson.                     |   |



In conclusion let me say that national literature is not the product of an hour nor does its existence depend upon popularity. The personality of Homer is hard to trace yet he lives forever in his writings. So in the case of many Canadian authors, unknown by name to the masses of our people, who will yet live in history as part and parcel of the development of public thought through the influence which their works have had upon other minds better able to express their sentiments or historical views. Canadian literature is, and must be, a fact to all who look back of the ever-increasing volume of English-speaking books and ephemeral journals to the substantial sum total of Canadian works wrought out of the pioneer thoughts and lives and manners of our people—the natural products in their defects, and in their virtues, of the environment of the time. The literature of a country comes from within itself and must partake of the characteristics of the period. To meet this condition a writer does not require to have lived continuously in Canada, but he must embody Canadian ideas or accurately describe Canadian interests or affairs. And whether we look at Canada from the days of Charlevoix to those of Garneau and Kirby or of Fréchette and Parker, we cannot but see that there was always a growing literature, evolving gradually from an almost unnoticed condition into the final and full sun-light of national recognition. To-day the note of nationality—whether it be English-Canadian or French-Canadian in its local application and language does not matter so long as it rings true to the soil of our common country—is being struck, and with it comes a literature adequate to the whole range of Canadian progress and aspirations.

## CANADIAN STATISTICS

This collection of statistics has been culled from the "Canada Year-Book," 1911, second series, and the "Census of Canada," 1911. A selection has been made of some of the most important tables, adapted to the purpose of making a comparison of conditions in Canada and other countries.

### *Chinese Immigration*

Following a report made by Mr. Justice Murphy, Royal Commissioner appointed to investigate certain alleged Chinese frauds and opium smuggling on the Pacific coast, an Order in Council of May 31st referred from the Department of Trade and Commerce to the Department of the Interior all matters pertaining to Chinese immigration, the order taking effect from October 2d. By a further Order in Council of August 4th immigration officers of the Department of the Interior were made controllers of Chinese immigration under authority of R. S. 1906, c. 95, s. 6, ss. "B". The number of Chinese immigrants during the fiscal year ended March 31, 1912, was 6,584, compared with 5,320 in 1910-11, 2,302 in 1909-10, and 2,106 in 1908-9.—(*Canada Year-Book*, 1911, second series, p. xxx.)

### *Areas and Population*

The number of occupied dwellings in the sub-districts of the Dominion in 1911 was 1,413,913, and the number of families 1,488,353, compared with 1,028,892 dwellings and 1,070,747 families in 1901. The average number of persons per dwelling in 1911 was 5.096 and per family 4.841, compared with averages of 5.220 per dwelling and 5.016 per family in 1901.

The area of Canada is given in the census tables of 1911 as 3,729,665 square miles of land and water, which is 15,909 square miles less than ten years ago. This is due in part to a reduction following the Alaska Boundary treaty and also to new map measurements. The population per square mile was 1.93 in 1911, and in 1901 computed on the same area it was 1.44. In Alberta the population was 1.47 per square mile in 1911 and in 1901 it was .28. British Columbia in 1911 had 1.09 per square mile and in 1901 only .50. Manitoba in 1901 had 3.46 per square mile and in 1911 it reached 6.18. New Brunswick increased during the same period from 11.83 to 12.61 per square mile and Nova Scotia from 21.45 to 22.98. Ontario's increase was nearly 1.30 per square mile, or from 8.37 in 1901 to 9.67 in 1911. Prince Edward Island in 1901 had a population of 47.27 and in 1911 it fell to 42.91. Quebec in the ten years has grown from 4.69 per square mile to 5.69, which is an increase of one per square mile as compared with 1.30 in Ontario. In Saskatchewan the increase has been from .36 to 1.95, and in Yukon and the Northwest Territories there have been large decreases.—(*Census of Canada*, 1911, vol. I, p. vii.)



*Population of Canada, 1911*

During the year the fifth census of Canada was taken as for June 1st. As the result the population was ascertained to be 7,204,838, an increase of 1,833,523, or 34.13 per cent, since the previous census of March 31, 1901. Tables I and II on page 2 of this volume of the Year Book give the distribution of the population by provinces and territories according to sex, with the totals of the previous census for comparison.—(*Canada Year Book*, 1911, second series, p. xxiv.)

*Yields and Values of Field Crops, 1911*

This table shows that a total area in Canada of 32,404,110 acres yielded in 1911 a harvest which, computed at local market prices, had a value of \$558,099,-600. For wheat, Canada's principal cereal crop, the total production was estimated at 215,851,300 bushels, with a value of \$138,567,000, from an area of 10,373,958 acres. This is the largest wheat crop in the history of the Dominion both as regards area and total production. Except as regards flaxseed the areas in the table represent the totals of the schedules obtained from every agricultural occupier by the census of 1911, and the total yields are calculated therefrom according to the estimated yields per acre as returned by the crop-reporting correspondents of the Census and Statistics Office. The figures of 1911 possess therefore a greater degree of statistical accuracy than can be attributed to the estimates of 1908, 1909 and 1910, published on page xxiii of the Year Book of 1910, the latter being calculated from the areas as estimated by correspondents. It may, however, be mentioned that the area and yield of wheat in 1911 exceed by over 1,000,000 acres and by 65,861,000 bushels the estimate of 1910—(*Ibid.*, p. xxvi.)

*Railway Statistics of Canada*

According to the report of the comptroller of railway statistics the increase in the railway mileage of Canada for the year ended June 30, 1911, was 669, as compared with 627 in 1910 and 1,138 in 1909. Seventy per cent of the increase in 1910-11 was in the western provinces. The total railway mileage in actual operation on June 30th was 25,400, as against 24,731 in 1910 and 24,104 in 1909. There were in addition 1,577½ miles of railway in actual operation but officially regarded as still under construction.—(*Ibid.*, p. xxviii.)

*Telephones*

The report on telephones relates to 537 organizations with a total capitalization of \$40,043,982, of which \$21,527,374 are in stocks and \$18,516,608 are in funded debt. The gross earnings amounted to \$10,068,220 and the operating expenses to \$6,979,045. Equipment was represented by 302,759 telephones and 687,729 miles of wire, of which 576,713 miles are urban and 111,016 are rural. The total number of telephone employees was reported as 10,425 with a wage list of \$915,636. (*Ibid.*, p. xxix.)

*Canadian Trade with Other Countries*

The total foreign trade of Canada for the calendar year 1911 amounted to \$799,212,342, exclusive of coin and bullion, as compared with \$740,024,880 in 1910. Imports in 1911 amounted to \$502,641,115, as compared with \$444,610,449 in 1910, and exports to \$296,571,227, as compared with \$295,414,431

in 1910. Trade with Great Britain reached a total of \$260,717,743, as compared with \$248,768,284 in 1910. Imports from Great Britain in 1911 were \$113,299,422, as compared with \$108,272,427, and exports to Great Britain in 1911 were \$147,418,321, as compared with \$140,495,857 in 1910. Trade with the United States reached the total of \$456,396,070, as compared with \$383,173,805 in 1910. Imports from the United States were \$341,192,612, as compared with \$269,464,731, and exports to the United States were \$115,203,458, as compared with \$113,709,074 in 1910.—(*Canada Year Book*, 1911, second series, p. xxix.)

#### *Increase in Prices of Commodities*

Since the beginning of the present century a marked increase has occurred in the prices of commodities, an increase which is not confined to one country, but which is felt with more or less intensity throughout the civilized world. In 1910 the Labor Department published a special report by Mr. R. H. Coats on Wholesale Prices in Canada during the twenty years 1890 to 1909, and this has been since followed by similar reports on the prices of 1910 and 1911. In these reports prices are measured by means of index numbers based upon the average prices of from 230 to 261 selected commodities in the period 1890–1899. In 1890 the index number for 235 commodities was 110.3. From this date the course was downward until 1897, when the percentage figure was 92.2. Then occurred a sharp upward rise which continued with a slight fall in 1901 until 1907, when the figure reached was 126.2. Falling to 120.8 in 1908, a further rise occurred until last year, when the highest point yet reached was recorded, viz., 127.3. Thus wholesale prices in Canada during 1911 were 27.3 per cent higher than the prices of the closing decade of the nineteenth century.—(*Canada Year Book*, 1911, second series, p. xxxiii.)

#### *Population.*

TABLE I.—POPULATION OF CANADA BY PROVINCES ACCORDING TO THE CENSUSES OF 1911 AND 1901

Provinces	1911	1901	Increase	Increase, per cent
Alberta.....	374,663	73,022	301,641	413.08
British Columbia.....	392,480	178,657	213,823	119.68
Manitoba.....	455,614	255,211	200,403	78.52
New Brunswick.....	351,889	331,120	20,769	6.27
Nova Scotia.....	492,338	459,574	32,764	7.13
Ontario.....	2,523,208	2,182,947	340,261	15.58
Prince Edward Island.....	93,728	103,259	-9,531 <sup>1</sup>	-9.23
Quebec.....	2,002,712	1,648,898	353,814	21.46
Saskatchewan.....	492,432	91,279	401,153	439.48
Yukon.....	8,512	27,219	-18,707 <sup>1</sup>	-68.73
Northwest Territories.....	17,196	20,129	-2,933 <sup>1</sup>	-14.57
Totals for Canada.....	7,204,772	5,371,315	1,833,457	34.13

The rural population in 1911 was 3,924,328 and the urban population 3,280,444. In 1901 the rural population was 3,349,516 and the urban population 2,021,799. The increase of rural population in the ten years is therefore 574,812 and of the urban 1,258,645, which is 17.16 per cent for the former and 62.25 per cent for the latter.—(*Canada Year Book*, 1911, second series, p. 2.)

<sup>1</sup> Decrease.



TABLE II.—AREA AND POPULATION OF CANADA BY PROVINCES IN 1911 AND POPULATION OF 1901

Districts	Area in acres	POPULATION IN 1911				Popula- tion in 1901
		Male	Female	Total	Per square mile	
Canada.....	2,386,985,395 <sup>2</sup>	3,821,030	3,383,742	7,204,772	1.93	5,371,315
British Columbia.	227,747,200 <sup>2</sup>	251,619	140,861	392,480	1.09	178,657
Manitoba.....	47,188,298 <sup>2</sup>	250,056	205,558	455,614	6.18	255,211
New Brunswick..	17,910,400 <sup>2</sup>	179,867	172,022	351,889	12.61	331,120
Nova Scotia.....	13,713,920 <sup>2</sup>	251,019	241,319	492,338	22.98	459,574
Ontario.....	166,951,636 <sup>2</sup>	1,299,253	1,223,955	2,523,208	9.67	2,182,947
Prince Edward Island.....	1,397,991 <sup>2</sup>	47,069	46,659	93,728	42.91	103,259
Quebec.....	225,198,561 <sup>2</sup>	1,011,247	991,465	2,002,712	5.69	1,648,898
Saskatchewan....	161,088,000	291,730	200,702	492,432	1.95	91,279
Yukon.....	132,528,640 <sup>2</sup>	6,508	2,004	8,512	.....	27,219
Northwest Terri- tories.....	1,229,878,400 <sup>2</sup>	8,673	8,523	17,196	.....	20,129

—(*Canada Year Book*, 1911, second series, pp. 2, 3, 4, 5, 6, 7.)

NOTE.—The totals of areas for Canada and the Provinces and Territories are as measured by a planimeter on the map, and embrace land and water; while those for districts are the totals of their respective subdistricts, excepting as may be indicated by footnotes where large areas are unsurveyed and unoccupied, and are land areas only.

TABLE III.—POPULATION OF CITIES AND TOWNS HAVING OVER 5,000 INHABITANTS IN 1911, COMPARED WITH 1871, 1881, 1891, 1901

Cities and Towns	Provinces	POPULATION				
		1911	1901	1891	1881	1871
Montreal <sup>2</sup> .....	Quebec.....	470,480	267,730	219,616	155,238	115,000
Toronto <sup>3</sup> .....	Ontario.....	376,538	208,040	181,215	96,196	59,000
Winnipeg <sup>3</sup> .....	Manitoba.....	136,035	42,340	25,639	7,985	241
Vancouver <sup>3</sup> .....	British Columbia..	100,401	27,010	13,709	.....	.....
Ottawa <sup>3</sup> .....	Ontario.....	87,062	59,928	44,154	31,307	24,141
Hamilton <sup>3</sup> .....	".....	81,969	52,634	48,959	36,661	26,880
Quebec.....	Quebec.....	78,190	68,840	63,090	62,446	59,699
Halifax.....	Nova Scotia.....	46,619	40,832	38,437	36,100	29,582
London.....	Ontario.....	46,300	37,976	31,977	26,266	18,000
Calgary.....	Alberta.....	43,704	4,392	3,876	.....	.....
St. John.....	New Brunswick..	42,511	40,711	39,179	41,353	41,325
Victoria.....	British Columbia	31,660	20,919	16,841	5,925	3,270
Regina.....	Saskatchewan...	30,213	2,249	.....	.....	.....
Edmonton.....	Alberta.....	24,900	2,626	.....	.....	.....
Brantford.....	Ontario.....	23,132	16,619	12,753	9,616	8,107
Kingston.....	".....	18,874	17,961	19,263	14,091	12,407
Maisonneuve.....	Quebec.....	18,684	3,958	.....	.....	.....

<sup>2</sup> By map measurement.<sup>3</sup> Population of the city municipality.

TABLE III.—POPULATION OF CITIES AND TOWNS HAVING OVER 5,000 INHABITANTS IN 1911, COMPARED WITH 1871, 1881, 1891, 1901—(Continued)

Cities and Towns	Provinces	POPULATION				
		1911	1901	1891	1881	1871
Peterborough.....	Ontario.....	18,360	11,239	9,717	6,812	4,611
Hull.....	Quebec.....	18,222	13,993	11,264	6,890	3,800
Windsor.....	Ontario.....	17,829	12,153	10,322	6,561	4,253
Sydney.....	Nova Scotia.....	17,723	9,909	2,427	1,480	.....
Glace Bay.....	".....	16,562	6,945	2,459	.....	.....
Fort William.....	Ontario.....	16,499	3,633	.....	.....	.....
Sherbrooke.....	Quebec.....	16,405	11,765	10,110	7,227	4,432
Berlin.....	Ontario.....	15,196	9,747	7,425	4,054	2,743
Guelph.....	".....	15,175	11,496	10,537	9,890	6,878
Westmount.....	Quebec.....	14,579	8,856	3,076	884	200
St. Thomas.....	Ontario.....	14,054	11,485	10,366	8,367	2,197
Brandon.....	Manitoba.....	13,839	5,620	3,778	.....	.....
Moosejaw.....	Saskatchewan.....	13,823	1,558	.....	.....	.....
Trois-Rivières.....	Quebec.....	13,691	9,981	8,334	8,670	7,570
New Westminster.....	British Columbia.....	13,199	6,499	6,678	1,500	.....
Stratford.....	Ontario.....	12,946	9,959	9,500	8,239	4,313
Owen Sound.....	".....	12,558	8,776	7,497	4,426	3,369
St. Catharines.....	".....	12,484	9,946	9,170	9,631	7,864
Saskatoon.....	Saskatchewan.....	12,004	113	.....	.....	.....
Verdun.....	Quebec.....	11,629	1,898	296	.....	.....
Moncton.....	New Brunswick.....	11,345	9,026	8,762	5,032	.....
Port Arthur.....	Ontario.....	11,220	3,214	.....	.....	.....
Charlottetown.....	P. E. Island.....	11,198	12,080	11,373	11,485	8,807
Sault Ste. Marie.....	Ontario.....	10,984	7,169	2,414	780	879
Chatham.....	".....	10,770	9,068	9,052	7,873	5,873
Lachine.....	Quebec.....	10,699	5,561	3,761	2,406	1,696
Galt.....	Ontario.....	10,299	7,866	7,535	5,187	3,827
Sarnia.....	".....	9,947	8,176	6,692	3,874	2,929
Belleville.....	".....	9,876	9,117	9,916	9,516	7,305
St. Hyacinthe.....	Quebec.....	9,797	9,210	7,016	5,321	3,746
Valleyfield.....	".....	9,449	11,055	5,515	3,906	1,800
Brockville.....	Ontario.....	9,374	8,940	8,791	7,609	5,102
Woodstock.....	".....	9,320	8,833	8,612	5,373	3,982
Niagara Falls.....	".....	9,248	5,702	3,349	2,347	.....
Amherst.....	Nova Scotia.....	8,973	4,964	3,781	2,274	.....
Sorel.....	Quebec.....	8,420	7,057	6,669	5,791	5,636
Nanaimo.....	British Columbia.....	8,306	6,130	4,595	1,645	.....
North Vancouver.....	".....	8,196	.....	.....	.....	.....
Lethbridge.....	Alberta.....	8,050	2,072	.....	.....	.....
North Bay.....	Ontario.....	7,737	2,530	.....	.....	.....
St. Boniface.....	Manitoba.....	7,483	2,019	1,553	1,283	.....
Sydney Mines.....	Nova Scotia.....	7,470	3,191	2,442	2,340	.....
Levis.....	Quebec.....	7,452	7,783	7,301	7,597	6,691
Oshawa.....	Ontario.....	7,436	4,394	4,066	3,992	3,185
Theftford Mines.....	Quebec.....	7,261	3,256	.....	.....	.....
Fredericton.....	New Brunswick.....	7,208	7,117	6,502	6,218	6,006
Collingwood.....	Ontario.....	7,090	5,755	4,939	4,445	2,829
Lindsay.....	".....	6,964	7,003	6,081	5,080	4,049
Orillia.....	".....	6,828	4,907	4,752	2,911	1,322



TABLE III.—POPULATION OF CITIES AND TOWNS HAVING OVER 5,000 INHABITANTS IN 1911, COMPARED WITH 1871, 1881, 1891, 1901—(Continued)

Cities and Towns	Provinces	POPULATION				
		1911	1901	1891	1881	1871
Fraserville.....	Quebec.....	6,774	4,569	4,175	2,291	1,541
Yarmouth.....	Nova Scotia.....	6,600	6,430	6,089	3,485	2,500
Cornwall.....	Ontario.....	6,598	6,704	6,805	4,468	2,033
Barrie.....	".....	6,420	5,949	5,550	4,854	3,398
New Glasgow.....	Nova Scotia.....	6,383	4,447	3,776	2,595	.....
Smiths Falls.....	Ontario.....	6,370	5,155	3,864	2,087	1,150
Joliette.....	Quebec.....	6,346	4,220	3,347	3,268	3,047
Prince Albert.....	Saskatchewan.....	6,254	1,785	.....	.....	.....
Kenora.....	Ontario.....	6,158	5,202	1,806	.....	.....
Truro.....	Nova Scotia.....	6,107	5,993	5,102	3,461	.....
St. Jean.....	Quebec.....	5,903	4,030	4,722	4,314	3,022
Portage la Prairie.....	Manitoba.....	5,892	3,901	3,363	.....	.....
Chicoutimi.....	Quebec.....	5,880	3,826	2,277	1,935	1,393
Spring Hill.....	Nova Scotia.....	5,713	5,178	4,813	900	.....
Cobalt.....	Ontario.....	5,638	.....	.....	.....	.....
Pembroke.....	".....	5,626	5,156	4,401	2,820	1,508
Medicine Hat.....	Alberta.....	5,608	1,570	.....	.....	.....
Strathcona.....	".....	5,579	1,550	.....	.....	.....
North Sydney.....	Nova Scotia.....	5,418	4,646	2,513	1,520	.....
North Toronto.....	Ontario.....	5,362	1,852	.....	.....	.....
Welland.....	".....	5,318	1,863	2,035	1,870	1,110
Port Hope.....	".....	5,092	4,188	5,042	5,581	5,114
Cobourg.....	".....	5,074	4,239	4,829	4,957	4,442
Dartmouth.....	Nova Scotia.....	5,058	4,806	6,252	3,786	.....

—(Canada Year Book, 1911, second series, pp. 7, 8, 9.)

TABLE VII.—SEX, CONJUGAL STATE, BIRTHPLACE, RACE AND RELIGION

Classes	1871	1881	1891	1901
Population.....	3,485,761	4,324,810	4,833,239	5,371,315
By sex—				
Male.....	1,764,311	2,188,854	2,460,471	2,751,708
Female.....	1,721,450	2,135,956	2,372,768	2,619,607
By conjugal state—				
Single.....	2,283,003	2,784,396	3,053,392	3,312,593
Married.....	1,085,376	1,380,084	1,588,055	1,833,043
Widowed.....	117,382	160,330	191,792	225,018
Divorced.....	.....	.....	.....	661
By birthplace—				
Canada.....	2,892,763	3,715,492	4,185,877	4,671,815
British Columbia.....	.....	32,275	37,153	60,776
Manitoba.....	.....	19,590	56,430	110,742

TABLE VII.—SEX, CONJUGAL STATE, BIRTHPLACE, RACE AND RELIGION—  
(Continued)

Classes	1871	1881	1891	1901
By birthplace (continued)				
Canada				
New Brunswick.....	245,068	288,265	300,621	317,062
Nova Scotia.....	360,832	420,088	433,696	442,898
Ontario.....	1,138,794	1,467,988	1,728,731	1,928,099
Prince Edward Island.....		101,047	106,103	105,629
Quebec.....	1,147,664	1,327,809	1,462,293	1,620,482
The Territories.....	405	58,430	60,850	65,784
Unorganized Territories.....				6,969
Not given.....				13,374
British Islands.....	486,376	470,906	477,735	390,019
England.....	144,999	169,504	219,688	201,285
Ireland.....	219,451	185,526	149,184	101,629
Scotland.....	121,074	115,062	107,594	83,631
Wales.....	4	4	4	2,518
Lesser isles.....	852	814	1,269	956
British possessions.....	9,696	7,329	12,517	15,864
Australasia.....				991
India.....				1,076
Newfoundland.....	7,768	4,596	9,336	12,432
Other possessions.....	1,928	2,733	3,181	1,365
Austria-Hungary.....	102			28,407
Belgium and Holland.....				2,665
China.....			9,129	17,043
Denmark.....				2,075
France.....	2,899	4,389	5,381	7,944
Germany.....	24,162	25,328	27,752	27,300
Iceland.....				6,057
Italy.....	218	777	2,795	6,854
Japan.....				4,674
Norway and Sweden.....	588	2,076	7,827	10,256
Rumania.....				1,066
Russia.....	416	6,376	9,917	31,231
Switzerland.....				1,211
Turkey and Syria.....				1,579
United States.....	64,447	77,753	80,915	127,899
Other countries.....	1,836	7,670	9,582	2,188
At sea.....	430	380	321	339
Not given.....	1,828	6,334	3,491	14,829
By race or origin <sup>a</sup> —				
British.....	2,110,502	2,548,514		3,063,195
English.....	706,369	881,301		1,260,899
Irish.....	846,414	957,403		988,721
Scotch.....	549,946	699,863		800,154
Others.....	7,773	9,947		13,421
Austro-Hungarian.....				18,178
Chinese and Japanese.....		4,383		22,050
Dutch.....	29,662	30,412		33,845
French.....	1,082,940	1,298,929		1,649,371
German.....	202,991	254,319		310,501

<sup>a</sup> Not given.<sup>b</sup> Not taken in 1891.



TABLE VII.—SEX, CONJUGAL STATE, BIRTHPLACE, RACE AND RELIGION—  
(Continued)

Classes	1871	1881	1891	1901
By race or origin—(continued)				
Indians and half-breeds.....	23,037	108,547	.....	127,932
Italian.....	1,035	1,849	.....	10,834
Jewish.....	125	667	.....	16,131
Negro.....	21,496	21,394	.....	17,437
Scandinavian.....	1,623	5,223	.....	31,042
Russian.....	607	1,227	.....	28,621
Other races.....	4,182	8,540	.....	10,639
Not specified.....	7,561	40,806	.....	31,539
By religion—				
Adventist.....	6,179	7,211	6,354	8,058
Anglican.....	494,049	574,818	646,059	680,620
Agnostic.....	.....	.....	.....	3,613
Baptist.....	227,898	275,291	302,565	316,477
Brethren <sup>a</sup> .....	15,375	8,831	12,911	12,316
Buddhists.....	.....	.....	.....	10,407
Catholic, Greek.....	18	.....	.....	15,630
Catholic, Roman.....	1,492,029	1,791,982	1,992,017	2,229,600
Christian Scientist.....	.....	.....	.....	2,619
Confucian.....	.....	.....	.....	5,115
Congregationalist.....	21,829	26,900	28,157	28,293
Disciple.....	.....	20,193	12,763	14,900
Doukhobor.....	.....	.....	.....	8,775
Evangelical.....	4,701	.....	.....	10,193
Friends (Quaker).....	7,345	6,553	4,650	4,100
Holiness (Hornerite).....	.....	.....	.....	2,775
Jewish.....	1,115	2,393	6,414	16,401
Latter Day Saints (Mormon).....	534	.....	.....	6,891
Lutheran.....	37,935	46,350	63,982	92,524
Mennonite.....	.....	21,234	.....	31,797
Methodist.....	567,091	742,981	847,765	916,886
Pagan.....	1,886	4,478	.....	15,107
Presbyterian.....	544,998	676,165	755,326	842,442
Salvation Army.....	.....	.....	13,949	10,308
Unitarian.....	2,275	2,126	1,777	1,934
United Brethren (Moravian).....	604	.....	.....	4,701
Universalist.....	4,896	4,517	3,186	2,589
Other sects.....	37,949	26,018	46,009	33,023
Not given.....	17,055	86,769	89,355	43,221

—(*Canada Year Book*, 1911, second series, pp. 14, 15.)<sup>a</sup> Including Plymouth Brethren and Tunkers.

*Manufactures*

TABLE X.—STATISTICS OF INDUSTRIES OF CANADA, 1906

Kinds of Industries	No. of establishments	Capital	No. of wage earners	Wages for labor	Value of products
By groups.....	15,796	\$846,585,023	356,034	\$134,375,925	\$718,352,603
1. Food products....	5,012	89,880,145	45,520	12,025,927	173,359,431
2. Textiles.....	2,073	75,089,936	57,421	17,632,985	85,982,979
3. Iron and steel products.....	707	61,204,638	30,480	13,894,518	53,125,265
4. Timber and lumber and their re-manufactures...	3,099	151,773,435	80,252	29,483,625	112,494,072
5. Leather and its finished products	533	28,667,125	17,991	6,399,330	42,132,007
6. Paper and printing	907	49,138,352	19,960	8,654,294	33,738,772
7. Liquors and beverages.....	262	26,639,815	3,833	1,795,765	14,394,319
8. Chemicals and allied products....	188	16,385,396	3,373	1,282,822	15,703,306
9. Clay, glass and stone products..	749	25,282,960	13,526	5,042,700	13,986,000
10. Metals and metal products other than steel. ....	577	104,852,998	20,490	10,873,161	50,828,968
11. Tobacco and its manufactures...	155	10,628,691	7,114	2,349,598	15,274,923
12. Vehicles for land transportation..	446	31,850,465	22,508	10,879,841	37,396,302
13. Vessels for water transportation..	78	3,496,009	1,839	783,995	1,943,195
14. Miscellaneous industries.....	825	169,897,164	30,389	12,713,976	66,294,869
15. Hand trades.....	185	1,797,894	1,338	563,388	1,698,195

—(*Canada Year Book*, 1911, second series, p. 29.)*Northwest Provinces*

TABLE XI.—HORSES, HORNED CATTLE, SHEEP AND SWINE IN THE PROVINCES IN 1906 AND 1901

Provinces and Districts	Horses	Milch cows	Other horned cattle	Sheep and lambs	Swine
1906.					
Northwest Provinces	682,919	384,006	1,560,592	304,531	439,048
Manitoba.....	215,819	170,543	350,969	28,975	200,509
Saskatchewan....	240,566	112,618	360,236	121,290	123,916
Alberta.....	226,534	101,245	849,387	154,266	114,623
1901.					
Northwest Provinces	340,329	244,216	698,409	182,616	200,375
Manitoba.....	163,867	141,481	208,405	29,464	126,459
Saskatchewan....	83,461	56,440	160,613	73,097	27,753
Alberta.....	93,001	46,295	329,391	80,055	46,163

—(*Canada Year Book*, 1911, second series, p. 34.)



TABLE XII.—FIELD CROPS OF 1900, 1905 AND 1906

Kinds of Crops	1900		1905		1906	
	Acres	Bushels	Acres	Bushels	Acres	Bushels
Fall wheat.....	947	20,505	52,669	1,110,067	85,199	2,225,281
Spring wheat.....	2,494,519	23,436,354	3,888,700	81,351,560	4,977,294	108,361,543
Oats.....	833,390	16,653,681	1,697,170	68,810,855	2,309,439	110,569,628
Barley.....	162,557	3,141,121	370,850	10,971,755	522,734	18,684,609
Rye.....	3,276	37,217	7,708	163,599	14,496	323,904
Flax.....	14,731	85,011	45,812	608,242	131,819	1,818,780
Potatoes.....	25,611	3,155,391	34,139	5,569,613	50,720	9,489,081
Other field roots..	2,164	462,042	4,410	710,356	8,028	2,081,932
		Tons		Tons		Tons
Sugar beets.....			2,792	19,907	4,369	32,075
Forage crops.....	60,496	90,852	64,680	105,828	49,656	123,022
Sown or cultivated hay.....	}	904,481	129,358	174,689	174,216	359,701
Native or prairie hay.....						
				2,630,313		

—(*Canada Year Book*, 1911, second series, p. 35.)*Trade and Commerce*

TABLE XIV.—AGGREGATE\* TRADE OF CANADA BY COUNTRIES DURING THE FISCAL YEAR ENDED MARCH 31, 1911. INCLUDES COIN AND BULLION

Countries	Total exports	Total imports	Total trade
British Empire—			
Great Britain.....	\$136,965,111	\$110,586,801	\$247,551,912
Australia.....	3,925,592	512,918	4,438,510
Bermuda.....	477,466	9,025	486,491
British Africa.....	2,354,869	232,628	2,587,497
British East Indies, all other....	6,761	1,368,008	1,374,769
British West Indies.....	4,113,270	6,469,382	10,582,652
British Guiana.....	622,735	3,793,201	4,415,936
Straits Settlement.....	67,955	229,145	297,100
Hong Kong.....	521,890	599,448	1,121,338
India.....	59,808	2,777,334	2,837,142
Newfoundland and Labrador....	3,874,775	1,819,082	5,693,857
New Zealand.....	1,004,370	913,608	1,917,978
Other British Possessions.....	150,435	227,347	377,782
Total British Empire.....	\$154,145,037	\$129,537,927	\$283,682,964
Foreign countries—			
Alaska.....	\$471,990	\$238,304	\$710,294
Argentina.....	3,021,708	2,304,957	5,326,665
Austria-Hungary.....	156,931	1,347,565	1,504,496
Belgium.....	2,773,444	3,630,340	6,403,784
Brazil.....	1,032,829	924,047	1,956,876
Central American States.....	102,765	105,011	207,776
Chile.....	232,502	419,063	651,565

TABLE XIV.—AGGREGATE TRADE OF CANADA BY COUNTRIES DURING THE FISCAL YEAR ENDED MARCH 31, 1911. INCLUDES COIN AND BOULLION.—  
(Continued)

Countries	Total exports	Total imports	Total trade
China.....	\$529,821	\$685,912	\$1,215,733
Cuba.....	1,845,169	1,055,654	2,900,823
Denmark.....	443,035	88,251	531,286
Danish West Indies.....	16,966	149,932	166,898
Dutch East Indies.....	2,551	1,818,083	1,820,634
Egypt and Soudan.....	14,044	34,931	48,975
France.....	2,782,092	11,755,403	14,537,495
Germany.....	2,663,017	10,087,199	12,750,216
Greece.....	135,347	453,647	588,994
Hawaii.....	142,767	25,809	168,576
Holland.....	1,397,019	1,840,915	3,237,934
Italy.....	379,270	1,021,805	1,401,075
Japan.....	619,989	2,425,638	3,045,627
Mexico.....	1,268,150	494,968	1,763,118
Norway.....	412,935	426,163	839,098
Panama.....	321,440	.....	321,440
Peru.....	34,466	165,916	200,382
Philippines.....	58,305	38,301	96,606
Porto Rico.....	506,764	188	506,952
Portugal.....	88,088	187,006	275,094
Russia.....	1,175,444	266,280	1,441,724
Santo Domingo.....	31,335	843,831	875,166
St. Pierre and Miquelon.....	146,454	.....	146,454
Spain.....	27,943	1,127,534	1,155,477
Sweden.....	108,983	281,857	390,840
Switzerland.....	22,673	3,149,787	3,172,460
Turkey in Europe.....	10,242	9,218	19,460
Uruguay.....	77,010	6,300	83,310
United States.....	119,396,801	294,415,202	413,812,003
Venezuela.....	32,995	90,839	123,834
Other foreign countries.....	568,044	793,757	1,361,801
Total foreign countries.....	\$143,051,328	\$342,709,613	\$485,760,941
Total imports and exports....	\$297,196,365	\$472,247,540	\$769,443,905

—(*Canada Year Book*, 1911, second series, p. 38.)



TABLE XV.—AGGREGATE TRADE OF CANADA, 1868-1911

Fiscal Year	Total exports	Total imports	Aggregate trade of Canada
1868.....	\$57,567,888	\$73,459,644	\$131,027,532
1869.....	60,474,781	70,415,165	130,889,946
1870.....	73,573,490	74,814,339	148,387,829
1871.....	74,173,618	96,092,971	170,266,589
1872.....	82,639,663	111,430,527	194,070,190
1873.....	89,789,922	128,011,281	217,801,203
1874.....	89,351,928	128,213,582	217,565 510
1875.....	77,886,979	123,070,283	200,957,262
1876.....	80,966,435	93,210,346	174,176,781
1877.....	75,875,393	99,327,962	175,203,355
1878.....	79,323,667	93,081,787	172,405,454
1879.....	71,451,225	81,964,427	153,455,682
1880.....	87,911,458	86,489,747	174,401,205
1881.....	98,290,823	105,380,840	203,621,663
1882.....	102,137,203	119,419,500	221,556,703
1883.....	98,085,804	132,254,022	230,339,826
1884.....	91,406,496	116,397,043	207,803,539
1885.....	89,238,361	108,941,486	198,179,847
1886.....	85,251,314	104,424,561	189,675,875
1887.....	89,515,811	112,892,236	202,408,047
1888.....	90,203,000	110,894,630	201,097,630
1889.....	89,189,167	115,224,931	204,414,098
1890.....	96,749,149	121,858,241	218,607,390
1891.....	98,417,296	119,967,638	218,384,934
1892.....	113,963,375	127,406,068	241,369,443
1893.....	118,564,352	129,074,268	247,638,620
1894.....	117,524,949	123,474,940	240,999,889
1895.....	113,638,803	110,781,682	224,420,485
1896.....	121,013,852	118,011,508	239,025,360
1897.....	137,950,253	119,218,609	257,168,862
1898.....	164,152,683	140,323,053	304,475,736
1899.....	158,896,905	162,764,308	321,661,213
1900.....	191,894,723	189,622,513	381,517,236
1901.....	196,487,632	190,415,525	386,903,157
1902.....	211,640,286	212,270,158	423,910,444
1903.....	225,849,724	241,214,961	467,064,685
1904.....	213,521,235	259,211,803	472,733,038
1905.....	203,316,872	266,834,417	470,151,289
1906.....	256,586,630	294,286,015	550,872,645
1907 (9 months).....	205,277,197	259,786,007	465,063,204
1908.....	280,006,606	370,786,525	650,793,131
1909.....	261,512,159	309,756,608	571,268,767
1910.....	301,358,529	391,852,692	693,211,221
1911.....	297,196,365	472,247,540	769,443,905

—(*Canada Year Book*, 1911, second series, p. 39.)

TABLE XVIII.—EXPORTS OF CANADA TO BRITAIN, UNITED STATES AND OTHER COUNTRIES OF MERCHANDISE THE PRODUCE OF CANADA BY TOTAL VALUES IN THE 44 FISCAL YEARS 1868-1911

Fiscal Year	EXPORTS OF TOTAL MERCHANDISE THE PRODUCE OF CANADA TO			
	Britain	United States	Other countries	Totals
1868.....	\$17,905,808	\$22,387,846	\$5,249,523	\$45,543,177
1869.....	20,486,389	23,640,188	5,196,727	49,323,304
1870.....	22,512,991	27,398,930	6,169,271	56,081,192
1871.....	21,733,556	26,715,690	6,732,110	55,181,356
1872.....	25,223,785	29,984,440	7,735,802	62,944,027
1873.....	31,402,234	33,421,725	8,421,647	73,245,606
1874.....	35,769,190	30,380,556	7,777,002	73,926,748
1875.....	34,199,134	25,683,818	7,607,941	67,490,893
1876.....	34,379,005	27,451,150	8,031,694	69,861,849
1877.....	35,491,671	22,160,666	8,212,543	65,864,880
1878.....	35,861,110	22,131,343	7,747,681	65,740,134
1879.....	29,393,424	23,149,909	7,546,245	60,089,578
1880.....	35,208,031	26,762,705	8,125,455	70,096,191
1881.....	42,637,219	31,015,109	7,269,051	80,921,379
1882.....	39,816,813	41,687,638	8,538,260	90,042,711
1883.....	39,538,067	36,096,501	8,651,139	84,285,707
1884.....	37,410,870	31,631,622	8,089,587	77,132,079
1885.....	36,479,051	32,618,593	7,085,874	76,183,518
1886.....	36,694,263	31,503,292	6,777,951	74,975,506
1887.....	38,714,331	32,273,033	6,976,656	77,964,020
1888.....	33,648,284	37,323,161	7,326,305	78,297,750
1889.....	33,504,281	36,449,288	7,248,235	77,201,804
1890.....	41,499,149	33,291,207	7,545,158	82,335,514
1891.....	43,243,784	34,829,436	7,684,524	85,757,744
1892.....	54,949,055	31,317,857	9,417,341	95,684,253
1893.....	58,409,606	33,813,802	9,783,082	102,006,490
1894.....	60,878,056	29,297,598	10,411,199	100,586,853
1895.....	57,903,564	32,303,773	9,321,014	99,528,351
1896.....	62,717,941	34,460,428	9,200,383	106,378,752
1897.....	69,533,852	39,717,057	10,434,501	119,685,410
1898.....	93,065,019	34,361,795	12,494,118	139,920,932
1899.....	85,113,681	34,766,955	12,920,626	132,801,262
1900.....	96,562,875	52,534,977	14,412,938	163,510,790
1901.....	92,857,525	67,983,673	16,590,188	177,431,386
1902.....	109,347,345	66,567,784	20,104,634	196,019,763
1903.....	125,199,980	67,766,367	21,435,327	214,401,674
1904.....	110,120,892	66,856,885	21,436,662	198,414,439
1905.....	97,114,867	70,426,765	23,313,314	190,854,946
1906.....	127,456,465	83,546,306	24,481,185	235,483,956
1907 (9 months)...	98,691,186	62,257,299	19,596,821	180,545,306
1908.....	126,194,124	90,814,871	29,951,973	246,960,968
1909.....	126,384,724	85,334,806	30,884,054	242,603,584
1910.....	139,482,945	104,199,675	35,564,931	279,247,551
1911.....	136,962,971	142,208,676	40,828,563	290,000,210
Totals for 44 years	\$2,731,699,113	\$1,920,525,195	\$560,329,235	\$5,212,553,543

—(Canada Year Book, 1911, second series, p. 49.)



TABLE XIX.—IMPORTS OF CANADA BY VALUES ENTERED FOR CONSUMPTION  
FROM BRITAIN AND UNITED STATES IN THE 44 FISCAL YEARS 1868–1911.  
EXCLUSIVE OF COIN AND BULLION

Fiscal Year	FROM BRITAIN			FROM UNITED STATES		
	Dutiable	Free	Duties collected	Dutiable	Free	Duties collected
1868.....	\$28,284,194	\$9,333,131	.....	\$10,014,304	\$12,645,828	.....
1869.....	28,483,645	7,013,119	\$4,799,758	7,793,748	13,703,632	\$1,565,566
1870.....	30,022,948	7,514,147	5,037,440	8,698,845	12,998,392	1,700,252
1871.....	39,815,550	8,682,652	6,544,088	14,085,383	13,100,203	2,290,881
1872.....	48,197,337	14,011,917	7,908,152	13,271,042	20,470,953	2,385,592
1873.....	47,443,203	20,553,742	7,392,957	16,678,805	28,510,305	2,945,966
1874.....	47,794,745	13,629,662	7,867,481	21,097,531	30,609,375	3,681,014
1875.....	48,949,803	11,059,281	8,881,998	22,312,546	26,617,812	3,853,634
1876.....	32,385,482	8,093,771	6,075,756	21,334,613	22,765,267	4,104,484
1877.....	32,916,776	6,414,845	6,377,596	23,510,846	25,865,162	4,393,511
1878.....	32,139,783	5,112,986	6,445,985	23,464,504	24,538,371	4,790,427
1879.....	27,075,555	3,892,223	5,561,933	23,803,457	18,366,849	5,524,879
1880.....	28,038,118	5,726,321	6,737,997	19,566,567	8,627,216	4,512,415
1881.....	35,860,461	7,024,681	8,772,950	25,632,313	10,706,388	5,649,152
1882.....	41,459,730	8,896,538	10,011,811	32,941,061	14,111,874	7,073,912
1883.....	40,732,476	10,947,286	9,897,785	38,652,045	16,495,198	8,148,268
1884.....	32,828,307	9,096,814	8,001,371	35,796,697	13,989,191	7,411,946
1885.....	30,702,359	9,329,089	7,617,249	31,231,947	14,344,563	6,624,100
1886.....	30,385,797	8,647,209	7,817,357	29,659,876	13,158,775	6,769,365
1887.....	35,766,273	8,975,077	9,318,920	30,570,609	14,225,299	7,268,195
1888.....	30,848,116	8,319,528	8,972,740	27,097,680	19,342,616	7,109,234
1889.....	32,219,807	10,031,382	9,450,243	28,982,283	21,047,136	7,371,148
1890.....	33,267,721	10,009,288	9,576,966	30,575,397	20,790,264	8,126,625
1891.....	31,447,660	10,571,283	9,114,272	29,790,402	22,243,075	7,734,515
1892.....	30,831,809	10,231,902	9,074,201	29,505,550	22,236,582	7,814,559
1893.....	31,869,267	10,660,073	9,498,747	28,562,050	23,777,746	7,636,076
1894.....	27,493,160	9,542,803	8,245,846	25,823,636	24,922,455	6,960,951
1895.....	23,311,911	7,747,421	7,006,677	25,795,538	24,383,466	6,897,395
1896.....	24,366,179	8,458,326	7,358,514	29,101,646	24,427,744	7,767,993
1897.....	20,217,422	9,183,766	6,205,367	30,482,509	26,540,833	8,147,075
1898.....	22,556,479	9,486,982	6,649,429	38,063,960	36,760,963	9,941,624
1899.....	27,521,508	9,409,815	7,328,192	44,471,824	43,995,349	11,713,859
1900.....	31,561,756	12,718,227	8,074,541	53,897,561	48,182,616	13,491,873
1901.....	31,701,654	11,118,341	7,845,406	53,600,278	53,549,047	13,311,750
1902.....	35,062,564	13,960,162	8,424,693	60,181,808	54,562,888	15,155,136
1903.....	42,210,165	16,582,873	9,841,627	68,538,323	60,251,914	17,069,881
1904.....	44,939,829	16,784,787	10,838,017	77,543,780	65,466,798	19,554,586
1905.....	45,099,527	15,243,177	11,171,010	78,797,440	73,634,186	20,580,302
1906.....	52,615,725	16,568,190	12,944,249	89,540,776	79,257,600	22,187,103
1907 (9mos).....	48,750,741	15,664,674	11,823,197	78,969,028	69,629,033	19,084,738
1908.....	71,212,207	23,205,107	17,265,293	110,361,367	94,287,518	27,132,543
1909.....	52,219,881	18,462,220	13,449,342	90,584,507	79,471,671	22,526,807
1910.....	71,822,941	23,513,486	18,032,629	118,834,173	98,668,242	29,515,836
1911.....	84,511,835	25,422,830	20,756,811	153,067,232	121,777,626	37,854,728
Totals.....	\$1,666,942,406	\$506,851,134	\$390,016,593	\$1,852,285,487	\$1,565,058,021	\$445,379,896

—(Canada Year Book, 1911, second series, p. 50.)

TABLE XXXV.—PERCENTAGE OF IMPORTS FROM GREAT BRITAIN AND UNITED STATES RESPECTIVELY TO TOTALS OF DUTIABLE AND FREE IN THE 44 FISCAL YEARS 1868–1911

Fiscal Year	GREAT BRITAIN			UNITED STATES		
	Dutiable to total dutiable	Free to total free	Dutiable and free to all imports	Dutiable to total dutiable	Free to total free	Dutiable and free to all imports
1868.....	64.78	39.82	56.06	22.93	53.96	33.77
1869.....	69.35	31.75	56.20	18.97	62.04	34.03
1870.....	66.52	34.50	56.10	19.27	59.69	32.43
1871.....	66.25	35.99	57.58	23.43	54.31	32.28
1872.....	70.59	38.20	59.27	19.43	55.81	32.14
1873.....	66.63	38.55	54.61	23.42	53.47	36.29
1874.....	62.69	29.03	49.87	27.67	65.19	41.97
1875.....	62.64	28.16	51.11	28.55	67.78	41.66
1876.....	53.76	25.08	43.75	35.41	70.53	47.67
1877.....	54.03	19.31	41.78	38.59	77.88	52.45
1878.....	53.76	16.69	41.21	39.25	80.13	53.10
1879.....	48.84	16.72	39.34	42.95	78.91	53.57
1880.....	51.74	36.43	48.30	36.11	54.88	40.33
1881.....	50.06	37.23	47.39	35.78	56.74	40.15
1882.....	48.34	35.04	45.30	38.41	55.58	42.33
1883.....	44.47	36.16	42.40	42.20	54.48	45.25
1884.....	41.02	35.03	39.56	44.74	53.88	46.97
1885.....	41.90	35.22	40.12	42.62	54.12	45.68
1886.....	43.00	34.13	40.66	41.97	51.94	44.60
1887.....	45.78	33.25	42.56	39.13	52.71	42.61
1888.....	44.29	26.81	38.90	38.90	62.34	46.13
1889.....	43.26	28.97	38.73	38.91	60.79	45.86
1890.....	43.15	28.95	38.75	39.65	60.13	45.99
1891.....	42.19	28.57	37.67	39.97	60.12	46.65
1892.....	44.58	22.24	35.66	42.66	48.34	44.90
1893.....	45.61	23.53	36.92	40.88	52.49	45.44
1894.....	43.79	20.61	33.96	41.13	53.84	46.52
1895.....	39.81	18.39	30.85	44.05	57.79	49.84
1896.....	36.24	22.19	31.15	43.28	64.07	50.80
1897.....	30.53	22.73	27.58	46.03	65.69	53.48
1898.....	30.23	18.35	25.36	51.00	71.13	59.24
1899.....	30.77	15.70	24.72	49.73	73.43	59.24
1900.....	30.25	18.66	25.66	51.65	70.69	59.17
1901.....	29.92	15.50	24.10	50.58	74.66	60.30
1902.....	29.54	17.94	24.95	50.72	70.11	58.40
1903.....	30.85	18.84	26.15	50.10	68.46	57.29
1904.....	30.18	17.73	25.34	52.07	69.14	58.71
1905.....	29.88	15.14	23.98	52.21	73.13	60.58
1906.....	30.40	15.03	24.42	51.74	71.90	59.59
1907 (9 months)...	32.05	16.04	25.79	51.93	71.28	59.50
1908.....	32.64	17.35	26.83	50.59	70.51	58.16
1909.....	29.84	16.31	24.52	51.76	70.20	59.00
1910.....	31.60	16.49	25.78	52.29	69.22	58.81
1911.....	29.89	15.04	24.34	54.14	72.05	60.84
Average for 44 yrs.	39.95	21.51	33.29	44.39	66.41	52.34

—(*Canada Year Book*, 1911, second series, p. 230.)



TABLE XXXIX.—VALUE OF GOODS ENTERED FOR CONSUMPTION AT CERTAIN PORTS DURING THE FISCAL YEAR ENDED MARCH 31, 1911

Ports	Dutiable goods	Free goods	Totals
Brantford.....	\$2,252,690	\$1,473,671	\$3,726,361
Calgary.....	4,224,723	1,205,541	5,430,264
Dawson.....	568,903	313,100	882,003
Halifax.....	6,705,880	3,184,921	9,890,801
Hamilton.....	9,164,851	7,159,026	16,323,877
London.....	3,987,167	3,665,547	7,652,714
Montreal.....	70,788,508	40,636,297	111,424,805
Ottawa.....	4,508,457	3,206,040	7,714,497
Quebec.....	4,691,265	6,579,565	11,270,860
Sault Ste. Marie.....	4,170,780	2,759,342	6,930,122
St. John, N. B.....	3,901,500	3,830,744	7,732,244
St. Johns, Que.....	736,747	2,131,962	2,868,709
Sydney.....	1,051,418	1,119,695	2,171,113
Toronto.....	54,501,222	29,266,073	83,767,295
Vancouver.....	19,969,836	5,280,627	25,250,463
Victoria, B. C.....	4,739,397	1,320,027	6,059,424
Windsor, Ont.....	5,560,375	3,098,210	8,658,585
Winnipeg.....	24,647,623	4,892,938	29,540,561
Totals.....	\$226,171,372	\$121,123,326	\$347,294,698

—(*Canada Year Book*, 1911, second series, p. 235.)

TABLE XL.—VALUE OF EXPORTS OF CANADIAN PRODUCE BY PRINCIPAL PORTS DURING THE FISCAL YEAR ENDED MARCH 31, 1911

Ports	Value	Ports	Value
Abercorn.....	\$5,099,972	Quebec.....	\$6,936,439
Bridgeburg.....	11,549,360	Rossland.....	123,480
Coaticook.....	10,366,842	St. Armand.....	3,461,562
Fort William.....	12,275,017	St. Johns, Que.....	10,703,898
Halifax.....	12,156,019	St. John, N. B.....	21,248,951
Athelstan.....	3,427,681	Sault Ste. Marie.....	7,583,714
Montreal.....	64,388,515	Sydney.....	1,157,831
Naniamo.....	3,809,311	Vancouver.....	7,007,884
New Westminster.....	4,415,284	Winnipeg.....	497,164
Niagara Falls.....	21,817,175		
Prescott.....	8,292,400	Total.....	\$216,368,498

—(*Canada Year Book*, 1911, second series, p. 235.)

NOTE.—Under regulations which went into effect July 1, 1900, all export entries are delivered at the frontier port of exit, and the totals are credited to the respective ports where the goods pass outwards from Canada.

TABLE XLI.—VALUE OF MERCHANDISE IMPORTED INTO AND EXPORTED FROM CANADA THROUGH THE UNITED STATES FROM AND TO FOREIGN COUNTRIES DISTINGUISHING THE COUNTRIES WHENCE IMPORTED AND TO WHICH EXPORTED DURING THE FISCAL YEARS ENDED MARCH 31, 1910, 1911.

Countries whence imported and to which exported	MERCHANDISE IMPORTED THROUGH UNITED STATES		MERCHANDISE EXPORTED THROUGH UNITED STATES	
	1910	1911	1910	1911
Great Britain.....	\$10,047,989	\$8,379,152	\$39,986,459	\$40,447,265
Australia.....	20,460	14,749	2,009,137	1,697,978
British Africa.....		30,007	67,598	196,225
British India.....		770,922		49,728
British East Indies.....	1,427,282	632,432	39,893	3,977
British Guiana.....	429,878	873,382	52,885	38,372
British West Indies.....	783,867	330,185	705,897	1,378,808
New Zealand.....		7,713	601,863	303,755
Other British Possessions	35,476	100,660	189,800	245,212
Total British Empire	\$12,744,952	\$11,139,202	\$43,653,532	\$44,361,320
Argentina.....	\$1,077,489	\$643,368	\$1,255,538	\$1,895,136
Austria-Hungary.....	244,345	135,190	55,724	163,579
Belgium.....	583,791	263,633	259,019	208,444
Brazil.....	347,672	304,267	415,816	587,369
Central American States.	65,998	22,063	158,299	312,066
Chile.....			46,718	100,095
China.....	103,168	45,039	16,976	10,160
Cuba.....	302,569	322,251	268,601	493,541
Denmark.....	31,212	48,574	373,487	277,919
Danish West Indies.....		92,400	14,408	13,704
Dutch West Indies.....		833	1,151	1,102
Dutch Guiana.....		6,431	36,799	43,048
French West Indies.....			18,165	6,436
Egypt and Soudan.....	12,550	13,522	20,605	11,554
France.....	2,027,160	802,794	260,386	616,764
French Africa.....	2,606	166	16,305	27,697
Germany.....	2,032,644	2,521,342	1,532,226	1,219,503
Greece.....	96,220	101,795	224	3,591
Hawaii.....	97	108	1,197	2,144
Hayti.....			7,924	29,382
Holland.....	207,595	116,031	821,445	469,255
Italy.....	346,724	382,981	320,247	358,938
Japan.....	176,512	111,966	6,835	9,354
Mexico.....	106,650	46,555	58,166	182,695
Norway.....	20,113	29,987	416,754	296,433
Peru.....			8,948	11,114
Philippines.....		495	4,663	2,479
Porto Rico.....	719		189,716	185,197
Portugal.....	10,137	10,077	26,205	19,118
Rumania.....		3,697	68,779	140,146
Russia in Europe.....	140,737	16,085	579,673	1,150,187
San Domingo.....	627,812	683,491	1,056	5,958
Spain.....	126,264	102,781	19,680	26,736
Sweden.....	65,757	77,671	53,978	61,984



TABLE XLI.—VALUE OF MERCHANDISE IMPORTED INTO AND EXPORTED FROM CANADA THROUGH THE UNITED STATES FROM AND TO FOREIGN COUNTRIES DISTINGUISHING THE COUNTRIES WHENCE IMPORTED AND TO WHICH EXPORTED DURING THE FISCAL YEARS ENDED MARCH 31, 1910, 1911—(Continued)

Countries whence imported and to which imported	MERCHANDISE IMPORTED THROUGH UNITED STATES		MERCHANDISE EXPORTED THROUGH UNITED STATES	
	1910	1911	1910	1911
Switzerland.....	\$569,131	\$97,294	\$6,321	\$9,171
Turkey.....	162,874	100,675	1,614	17,272
U. S. of Colombia.....	4,993	76,048	35,406	32,018
Uruguay.....		43,611	23,201	29,930
Venezuela.....	27,632	47,195	9,729	27,840
Other countries.....	233,293	31,452	13,254	17,198
Total foreign countries	\$9,754,464	\$7,301,749	\$7,425,238	\$ 9,076,257
Grand total.....	\$22,499,416	\$18,440,951	\$51,078,770	\$53,437,577

—(*Canada Year Book*, 1911, second series, p. 236.)

*Inland Revenue*

TABLE LXIII.—ANNUAL CONSUMPTION PER HEAD OF SPIRITS, WINE, BEER AND TOBACCO AND AMOUNT OF EXCISE AND CUSTOMS DUTIES PER HEAD, 1869-1911

Fiscal Year	CONSUMPTION OF				DUTY PAID ON			
	Spirits gals.	Wine gals.	Beer gals.	Tobacco lbs.	Spirits	Wine	Beer	Tobacco
1869.....	1.124	0.115	2.290	1.755	\$0.761	\$0.037	\$0.092	\$0.193
1870.....	1.434	0.195	2.163	2.190	0.962	0.049	0.085	0.259
1871.....	1.578	0.259	2.490	2.052	1.059	0.056	0.095	0.336
1872.....	1.723	0.257	2.774	2.481	1.160	0.070	0.108	0.422
1873.....	1.682	0.238	3.188	1.999	1.335	0.066	0.120	0.350
1874.....	1.994	0.288	3.012	2.566	1.363	0.086	0.119	0.442
1875.....	1.394	0.149	3.091	1.995	1.127	0.069	0.114	0.428
1876.....	1.204	0.177	2.454	2.316	1.182	0.075	0.098	0.513
1877.....	0.975	0.096	2.322	2.051	0.949	0.057	0.109	0.446
1878.....	0.960	0.096	2.169	1.976	0.927	0.052	0.147	0.439
1879.....	1.131	0.104	2.209	1.954	1.005	0.057	0.125	0.449
1880.....	0.715	0.077	2.248	1.936	0.772	0.055	0.081	0.428
1881.....	0.922	0.099	2.293	2.035	0.990	0.073	0.081	0.443
1882.....	1.009	0.120	2.747	2.150	1.084	0.092	0.098	0.485
1883.....	1.090	0.135	2.882	2.280	1.186	0.097	0.103	0.473
1884.....	0.998	0.117	2.924	2.476	1.074	0.082	0.104	0.365
1885.....	1.126	0.109	2.639	2.623	1.198	0.074	0.111	0.393
1886.....	0.711	0.110	2.839	2.052	1.007	0.074	0.091	0.502
1887.....	0.746	0.095	3.084	2.062	1.045	0.066	0.100	0.514
1888.....	0.645	0.094	3.247	2.093	0.944	0.066	0.110	0.509
1889.....	0.776	0.097	3.263	2.153	1.107	0.068	0.114	0.529
1890.....	0.883	0.104	3.360	2.143	1.257	0.072	0.121	0.539

TABLE LXIII.—ANNUAL CONSUMPTION PER HEAD OF SPIRITS, WINE, BEER AND TOBACCO AND AMOUNT OF EXCISE AND CUSTOMS DUTIES, PER HEAD, 1869-1911—(Continued.)

Fiscal Year	CONSUMPTION OF				DUTY PAID ON			
	Spirits gals.	Wine gals.	Beer gals.	Tobacco lbs.	Spirits	Wine	Beer	Tobacco
1891.....	0.745	0.111	3.790	2.292	\$1.094	\$0.080	\$0.137	\$0.590
1892.....	0.701	0.101	3.516	2.291	1.156	0.075	0.211	0.680
1893.....	0.740	0.094	3.485	2.314	1.235	0.070	0.218	0.691
1894.....	0.742	0.089	3.722	2.264	1.235	0.060	0.205	0.683
1895.....	0.666	0.090	3.471	2.163	1.124	0.056	0.161	0.645
1896.....	0.623	0.070	3.528	2.120	1.159	0.047	0.164	0.639
1897.....	0.723	0.084	3.469	2.243	1.341	0.041	0.213	0.671
1898.....	0.536	0.082	3.808	2.358	1.306	0.041	0.126	0.615
1899.....	0.661	0.086	3.995	2.174	1.337	0.045	0.174	0.841
1900.....	0.701	0.085	4.364	2.300	1.455	0.044	0.185	0.853
1901.....	0.765	0.100	4.737	2.404	1.593	0.048	0.198	0.875
1902.....	0.796	0.090	5.102	2.404	1.653	0.048	0.214	0.915
1903.....	0.870	0.096	4.712	2.548	1.812	0.051	0.205	0.992
1904.....	0.952	0.096	4.918	2.765	1.985	0.051	0.225	1.042
1905.....	0.869	0.090	4.972	2.686	1.842	0.040	0.207	1.005
1906.....	0.861	0.091	5.255	2.777	1.800	0.050	0.228	1.053
1907 (9 months).....	0.947	0.092	5.585	2.953	1.972	0.053	0.249	1.276
1908.....	0.889	0.096	5.812	2.898	1.858	0.054	0.253	1.129
1909.....	0.806	0.085	5.348	2.910	1.681	0.047	0.225	1.032
1910.....	0.815	0.097	5.276	2.940	1.702	0.053	0.223	0.979
1911.....	0.859	0.104	5.434	3.011	1.801	0.053	0.233	1.048
Average of 43 years....	0.955	0.118	3.581	2.306	\$1.290	\$0.060	\$0.153	\$0.644

—(*Canada Year Book*, 1911, second series, p. 273.)*Banks and Banking*

TABLE LXXI.—DEPOSITS OF CHARTERED BANKS IN CANADA AND ELSEWHERE, 1901-1911

Calendar Year	DEPOSITS BY THE PUBLIC IN CANADA		Deposits elsewhere than in Canada	Balances due to Dominion and provincial governments	Total deposits
	Payable on demand	Payable after notice or on a fixed day			
1901.....	\$95,169,631	\$221,624,664	\$26,560,444	\$6,218,588	\$349,573,327
1902.....	104,424,203	244,062,545	34,529,739	7,354,006	390,370,493
1903.....	112,461,757	269,911,501	34,931,701	6,862,181	424,167,140
1904.....	117,962,023	307,007,192	36,388,330	8,908,199	470,265,744
1905.....	138,116,550	338,411,275	44,325,531	10,390,120	531,243,476
1906.....	165,144,569	381,778,705	46,030,241	13,014,998	605,968,513
1907.....	166,342,144	413,014,657	58,828,181	16,654,729	654,839,711
1908.....	169,721,755	406,103,063	65,793,319	16,748,878	658,367,015
1909.....	225,414,828	464,635,263	70,788,822	22,459,967	783,298,880
1910.....	260,232,399	532,087,627	78,445,210	39,199,603	909,964,839
1911.....	304,801,755	568,976,209	72,823,733	33,832,091	980,433,788

—(*Canada Year Book*, 1911, second series, p. 277.)



*Post Office*

TABLE XCI.—NUMBER OF POST OFFICES IN CANADA AND ESTIMATED NUMBER OF LETTERS AND POST CARDS SENT 1868 TO 1911

Fiscal Year	Number of post offices	ESTIMATED NUMBER SENT OF			
		Registered letters	Free letters	Total letters posted	Post cards
1868.....	3,638	704,750	733,000	18,100,000	.....
1869.....	3,756	850,000	874,000	21,920,000	.....
1870.....	3,820	1,000,000	1,034,000	24,500,000	.....
1871.....	3,943	1,100,000	1,218,000	27,050,000 <sup>7</sup>	.....
1872.....	4,135	1,280,000	1,125,000	30,600,000 <sup>7</sup>	.....
1873.....	4,518	1,377,000	1,091,000	34,579,000 <sup>7</sup>	.....
1874.....	4,706	1,562,900	1,432,200	39,358,500 <sup>7</sup>	.....
1875.....	4,892	1,750,000	1,290,000	42,000,000 <sup>7</sup>	.....
1876.....	5,015	1,774,000	1,059,292	41,800,000	4,646,000
1877.....	5,161	1,842,000	1,096,000	41,510,000	5,450,000
1878.....	5,378	1,980,000	1,250,000	44,000,000	6,455,000
1879.....	5,606	1,940,000	1,384,000	43,900,000	6,940,000
1880.....	5,773	2,040,000	1,464,000	45,800,000	7,800,000
1881.....	5,935	2,253,000	1,838,000	48,170,000	9,640,000
1882.....	6,171	2,450,000	2,390,000	56,200,000	11,300,000
1883.....	6,395	2,650,000	2,600,000	62,800,000	12,940,000
1884.....	6,887	3,000,000	2,824,000	66,100,000	13,580,000
1885.....	7,084	3,060,000	2,960,000	68,400,000	13,800,000
1886.....	7,295	3,400,000	3,310,000	71,000,000	15,109,000
1887.....	7,534	3,560,000	3,160,000	74,300,000	16,356,000
1888.....	7,671	3,580,000	3,500,000	80,200,000	16,586,000
1889.....	7,838	3,649,000	3,872,000	92,668,000	19,355,000
1890.....	7,913	3,280,000	3,870,000	94,100,000	19,480,000
1891.....	8,061	3,292,000	4,078,000	97,975,000	20,300,000
1892.....	8,288	3,286,700	4,606,000	102,850,000	20,815,000
1893.....	8,477	3,254,000	4,723,000	106,290,000	22,790,000
1894.....	8,664	3,237,200	4,925,500	107,145,000	23,695,000
1895.....	8,832	3,183,200	4,441,000	107,565,000	24,025,000
1896.....	9,103	3,505,500	4,808,800	116,028,000	24,794,800
1897.....	9,191	3,509,500	5,501,000	123,830,000	26,140,000
1898.....	9,282	3,534,500	5,673,250	134,975,000	28,153,000
1899.....	9,420	3,675,400	5,400,500	150,375,000	27,450,000
1900.....	9,627	4,312,000	6,318,000	178,292,500	27,130,000
1901.....	9,834	4,528,000	6,839,000	191,650,000	26,842,000
1902.....	9,958	4,973,000	7,411,000	213,628,000	26,343,000
1903.....	10,150	5,470,000	8,152,000	335,791,000	26,646,000
1904.....	10,460	5,986,000	8,819,000	259,190,000	27,178,000
1905.....	10,879	6,594,500	9,716,000	285,541,000	29,941,000
1906.....	11,141	7,475,000	10,922,000	323,644,000	33,674,000
1907 (9 months)...	11,377	6,254,000	9,176,000	273,071,000	28,270,000
1908.....	11,823	9,078,000	13,207,000	396,011,000	40,664,000
1909.....	12,479	9,504,000	13,686,000	414,301,000	42,179,000
1910.....	12,887	10,465,000	14,975,500	456,085,000	45,105,000
1911.....	13,324	11,584,000	16,382,000	504,233,000	49,313,000

—(*Canada Year Book*, 1911, second series, p. 292.)<sup>7</sup> Including post cards.

## Telegraphs

TABLE CXXXIV.—STATISTICS OF CHARTERED COMPANIES, 1900-1911

Companies	Year	Miles of line	Miles of wire	Number of messages	Number of offices
Great Northwestern Telegraph Co.....	1900	18,290	34,810	2,623,257	1,466
	1905	11,775	44,573	2,755,543	1,360
	1906	11,920	45,031	2,739,612	1,335
	1907	11,720	46,937	2,904,221	1,303
	1908	11,505	47,054	2,810,458	1,228
	1909	11,386	47,483	2,749,378	1,227
	1910	11,134	50,092	2,907,494	1,183
Canadian Pacific Railway Co....	1911	10,726	50,568	3,812,159	1,194
	1900	9,505	37,112	1,900,000 <sup>a</sup>	996
	1905	10,669	52,096	2,262,158 <sup>a</sup>	1,343
	1906	10,892	57,651	2,735,960 <sup>a</sup>	1,182
	1907	11,208	62,458	2,897,299 <sup>a</sup>	1,235
	1908	11,856	65,508	2,802,216 <sup>a</sup>	1,310
	1909	12,108	69,398	3,004,943 <sup>a</sup>	1,340
Western Union.....	1910	12,257	76,758	3,431,493 <sup>a</sup>	1,372
	1911	13,386	87,703 <sup>a</sup>	3,921,477 <sup>a</sup>	1,424
	1900	2,922	8,682	437,157	218
	1905	2,620	10,106	542,155	217
	1906	2,578	10,347	548,299	219
	1907	2,589	10,518	537,981	220
	1908	2,591	10,518	520,092	221
Timiskaming and Northern Ont- ario Railway.....	1909	2,638	10,605	534,210	222
	1910	2,639	11,244	551,764	217
	1911	2,598	11,599	572,081	219
	1907	138	883	100,149	15
	1908	205	1,221	95,191	18
	1909	265	1,641	142,985	22
	1910	265	1,865	131,106	22
Algoma Central Railway .....	1911	294	3,299	211,920	25
	1908	130	174	8,648	4
	1909	130	174	3,148	4
	1910	130	174	3,639	4
	1911	214	517	4,497	6
	1909	1,122	3,754	49,618	58
	1910	1,699	5,081	71,154	73
Grand Trunk Pacific Railway...	1911	1,963	6,004	101,048	92
	1907	44	886	51,475	80
	1908	44	886	49,314	80
	1909	44	763	49,127	61
	1910	44	783	38,015	63
	1911	44	783	40,508	62
	1909	3,512	7,568	.....	169
Canadian Northern Railway Co.	1910	3,685	7,841	.....	191
	1911	4,367	13,073	.....	227
	1911	313	.....	.....	.....

—(*Canada Year Book*, 1911, second series, p. 337.)<sup>a</sup> Not including press messages.<sup>a</sup> Including 962 miles of cables.



TABLE CXXXVI.—MILEAGE OF WIRE AND EARNINGS AND OPERATING EXPENSES OF TELEPHONE COMPANIES IN CANADA BY PROVINCES, JUNE 30, 1911

Provinces	MILEAGE OF WIRE			Earnings	Operating expenses
	Urban	Rural	Total		
Alberta.....	20,166	151	20,317	\$439,846	\$250,708
British Columbia.....	54,793	5,064	59,857	856,571	643,438
Manitoba.....	22	18,593	18,615	1,123,447	1,032,035
New Brunswick.....	13,725	7,107	20,832	318,992	195,156
Nova Scotia.....	1,156	22,718	23,874	415,154	313,854
Ontario.....	9,563	29,098	38,661	473,993	219,102
Prince Edward Island.....	1,000	1,250	2,250	33,602	26,321
Quebec.....	458,166	17,781	475,947	6,127,056	4,136,083
Saskatchewan.....	18,122	9,253	27,375	279,559	162,348
Totals.....	576,713	111,015	687,728	\$10,068,220	\$6,979,045

The number of telephones in use was 302,759.

The capital liability was \$40,043,982, divided as follows:

Stocks.....\$21,527,374

Funded debt..... 18,516,608

Total.....\$40,043,982

NOTE—The wire mileage credited to Quebec is the mileage of the Bell Telephone system, which extends to all the leading centers of Ontario. The return of the Manitoba Government did not make any distinction between urban and rural mileage, and the total was classified as rural.

—(*Canada Year Book*, 1911, second series, p. 338.)

#### Railways

TABLE CXXXIX.—RAILWAYS IN OPERATION 1835-1911

Year	Class of railway	Miles in operation	Miles increase	Year	Class of railway	Miles in operation	Miles increase
1835...	Steam...	.....	.....	1849...	Steam...	54	.....
1836...	"	16	.....	1850...	"	66	12
1837...	"	16	.....	1851...	"	159	93
1838...	"	16	.....	1852...	"	205	46
1839...	"	16	.....	1853...	"	506	301
1840...	"	16	.....	1854...	"	764	258
1841...	"	16	.....	1855...	"	877	113
1842...	"	16	.....	1856...	"	1,414	537
1843...	"	16	.....	1857...	"	1,444	30
1844...	"	16	.....	1858...	"	1,863	419
1845...	"	16	.....	1859...	"	1,994	131
1846...	"	16	.....	1860...	"	2,065	71
1847...	"	54	38	1861...	"	2,146	81
1848...	"	54	.....	1862...	"	2,189	43

TABLE CXXXIX.—RAILWAYS IN OPERATION 1835-1911—(Continued.)

Year	Class of railway	Miles in operation	Miles increase	Year	Class of railway	Miles in operation	Miles increase
1863...	Steam...	2,189	.....	1894....	Steam...	15,627	622
1864...	"	2,189	.....	1895....	"	15,977	350
1865...	"	2,240	51	1896....	"	16,270	293
1866...	"	2,278	38	1897....	"	16,550	280
1867...	"	2,278	.....	1898....	"	16,870	320
1868...	"	2,278	.....	1899....	"	17,250	380
1869...	"	2,524	246	1900....	"	17,657	407
1870...	"	2,617	93	1901....	"	18,140	483
1871...	"	2,695	78	1902....	"	18,714	574
1872...	"	2,899	204	1903....	"	18,988	274
1873...	"	3,832	933	1904....	"	19,431	443
1874...	"	4,331	499	1905....	"	20,487	1,056
1875...	"	4,804	473	1906....	"	21,429	942
1876...	"	5,218	414	1907....	"	22,446	1,017
1877...	"	5,782	564	1908....	"	22,966	520
1878...	"	6,226	444	1909....	"	24,104	1,138
1879...	"	6,858	632	1910....	"	24,731	627
1880...	"	7,194	336	1911....	"	25,400	669
1881....	"	7,331	137				
1882....	"	8,697	1,366	1901....	Electric <sup>10</sup> .	553	.....
1883....	"	9,577	880	1902....	"	558	5
1884....	"	10,273	696	1903....	"	759	201
1885....	"	10,773	500	1904....	"	767	8
1886....	"	11,793	1,020	1905....	"	793	26
1887....	"	12,184	391	1906....	"	814	21
1888....	"	12,585	401	1907....	"	815	1
1889....	"	12,585	.....	1908....	"	992	177
1890....	"	13,151	566	1909....	"	989	-3
1891....	"	13,838	687	1910....	"	1,049	60
1892....	"	14,564	726	1911....	"	1,224	175
1893....	"	15,005	441				

NOTE—The statistics of railways are for the years ended June 30.

—(*Canada Year Book*, 1911, second series, p. 340.)*Marine*TABLE CLXXX.—SEA-GOING VESSELS ENTERED INWARDS AND OUTWARDS BY COUNTRIES, 1911  
VESSELS ENTERED INWARDS

Countries whence arrived	BRITISH			CANADIAN			FOREIGN		
	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.
Great Britain.....	1,250	4,843,277	123,784	66	76,579	4,484	61	71,936	1,136
Australia.....	27	101,946	4,054	.....	.....	.....	.....	.....	.....
British Africa.....	1	2,795	41	.....	.....	.....	6	8,212	105
British Guiana.....	3	5,338	86	.....	.....	.....	1	1,899	23
British West Indies.....	118	179,292	4,026	86	13,350	639	42	35,558	885
Newfoundland.....	659	212,676	11,762	281	89,478	3,255	171	272,190	3,994

<sup>10</sup> Not including double track and sidings.



TABLE CLXXX.—SEA-GOING VESSELS ENTERED INWARDS AND OUTWARDS  
BY COUNTRIES, 1911—(Continued)  
VESSELS ENTERED INWARDS

Countries to which arrived	BRITISH			CANADIAN			FOREIGN		
	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.
Belgium.....	22	94,806	1,518	.....	.....	.....	2	3,757	45
Brazil.....	8	11,214	155	4	6,981	136	16	19,701	297
China.....	56	185,126	10,070	.....	.....	.....	.....	.....	.....
France.....	13	49,239	1,252	.....	.....	.....	17	12,896	376
Germany.....	4	9,303	132	.....	.....	.....	43	134,348	2,836
Holland.....	36	142,310	3,456	.....	.....	.....	9	20,357	318
Italy.....	8	18,247	321	2	4,520	79	2	2,605	36
Japan.....	15	50,573	907	.....	.....	.....	40	144,366	3,500
Norway.....	1	2,701	42	.....	.....	.....	23	21,758	390
Portugal.....	1	330	8	.....	.....	.....	1	850	17
St. Pierre.....	10	984	53	42	3,651	220	64	19,959	1,437
Spain.....	17	20,685	359	9	9,147	148	8	2,335	64
United States.....	1,209	1,121,294	60,555	3,046	1,339,371	65,488	4,397	2,110,429	84,453
Sea fisheries.....	253	20,220	4,822	1,507	77,276	17,207	1,411	113,376	27,037
Mexico.....	37	77,338	1,440	.....	.....	.....	11	29,891	532
Other countries.....	38	57,877	1,932	33	4,981	222	48	60,011	1,510
Totals.....	3,786	7,207,571	230,775	5,076	1,625,334	91,878	6,373	3,086,434	128,991

Countries to which departed	VESSELS ENTERED OUTWARDS								
	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.	No. of ves-sels	Tons regis-ter	Crew No.
Great Britain.....	833	3,184,404	93,174	11	48,139	2,294	125	158,237	2,410
Australia.....	52	179,519	4,867	.....	.....	.....	4	8,416	95
British Africa.....	20	55,466	782	1	1,862	22	4	7,815	70
British West Indies.....	49	58,615	1,571	65	10,065	403	29	21,801	580
Newfoundland.....	569	206,878	9,145	356	126,547	4,530	186	279,837	4,093
Argentine Republic.....	7	15,885	183	6	7,331	83	47	62,944	811
Belgium.....	23	118,605	2,335	.....	.....	.....	3	2,617	52
Brazil.....	9	1,991	66	1	249	7	7	8,437	116
China.....	42	135,327	8,618	.....	.....	.....	2	5,322	52
Cuba and Porto Rico.....	27	34,024	685	65	20,294	501	17	7,724	174
France.....	20	53,918	1,384	.....	.....	.....	7	3,876	167
Germany.....	.....	.....	.....	.....	.....	.....	16	55,527	1,177
Holland.....	1	1,462	21	.....	.....	.....	2	5,231	69
Italy.....	.....	.....	.....	.....	.....	.....	2	2,261	44
Japan.....	6	21,369	345	.....	.....	.....	37	147,923	3,516
St. Pierre.....	24	1,843	126	53	4,533	262	45	16,759	979
Philippines.....	5	16,649	298	.....	.....	.....	.....	.....	.....
United States.....	1,026	1,230,901	50,413	3,171	1,388,783	70,122	3,783	2,158,190	82,588
Sea fisheries.....	283	22,407	5,752	1,787	96,070	20,759	1,731	139,722	32,649
Mexico.....	50	104,186	1,988	3	5,505	102	5	13,084	146
Other countries.....	38	61,317	2,019	12	7,286	103	42	50,194	1,241
Totals.....	3,084	5,504,766	183,772	5,531	1,716,664	99,188	6,094	3,156,417	131,029

—(Canada Year Book, 1911, second series, p. 376.)

TABLE CLXXXI.—BRITISH AND FOREIGN VESSELS EMPLOYED IN THE COAST-  
ING TRADE OF CANADA, 1907-1911

Vessels Arrived	1907 <sup>11</sup>	1908	1909	1910	1911
<b>British—</b>					
Steam.....No.	35,690	54,368	55,984	62,753	68,236
Tons register....	13,212,481	21,314,515	22,295,771	23,816,666	28,205,713
Number of crew..	700,787	1,046,660	1,055,353	1,171,385	1,333,888
Sail.....No.	17,342	24,845	24,347	24,837	24,447
Tons register....	1,977,120	3,781,927	3,742,621	4,725,048	4,889,332
Number of crew..	68,976	102,009	98,786	97,957	96,129
<b>Foreign—</b>					
Steam.....No.	822	1,198	1,217	941	673
Tons register....	1,112,684	1,535,801	1,564,662	1,313,807	1,170,018
Number of crew..	17,982	26,333	28,084	21,082	17,185
Sail.....No.	603	601	157	175	46
Tons register....	113,546	102,503	41,968	56,733	15,606
Number of crew..	2,105	1,964	802	1,085	474
<b>Description of ves-</b>					
<b>sels—</b>					
Steam, screw..No.	28,909	42,674	46,604	53,455	58,666
Steam, paddle. "	6,521	9,286	6,978	7,894	7,478
Steam, stern-					
wheel....."	1,082	3,606	3,619	2,345	2,765
Sail, ships...."	14	9	6	8	1
Sail, barks...."	53	43	20	25	9
Sail, barken-					
tines....."	13	24	18	19	9
Sail, brigs...."	.....	1	1	2	2
Sail, brigant-					
ines....."	25	11	14	23	23
Sail, schooners "	13,917	18,417	18,183	17,142	16,846
Sail, barges, ca-					
nal boats, etc. "	3,923	6,941	6,262	7,793	7,603
<b>Vessels Departed</b>					
<b>British—</b>					
Steam.....No.	37,000	47,846	48,970	56,533	63,330
Tons register....	12,116,733	18,549,764	19,294,280	20,791,115	26,250,090
Number of crew..	610,690	918,250	921,000	1,018,985	1,246,632
Sail.....No.	16,943	24,814	24,219	25,051	24,245
Tons register....	1,908,926	3,710,207	3,709,755	4,693,996	4,858,664
Number of crew..	69,007	99,003	92,627	98,154	92,060
<b>Foreign—</b>					
Steam.....No.	898	1,115	1,912	804	670
Tons register....	1,156,070	1,456,650	1,965,839	1,300,465	1,208,372
Number of crew..	19,728	24,957	42,746	20,284	17,577
Sail.....No.	397	450	299	219	79
Tons register....	93,860	78,468	55,302	53,098	30,139
Number of crew..	1,812	1,529	1,477	1,296	658

<sup>11</sup> Nine months.



TABLE CLXXXI.—BRITISH AND FOREIGN VESSELS EMPLOYED IN THE COASTING TRADE OF CANADA, 1907-1911—(Continued)

Vessels Departed	1907 <sup>12</sup>	1908	1909	1910	1911
Description of ves-					
sels—					
Steam, screw..No.	32,338	38,857	41,278	49,043	55,112
Steam, paddle. “	4,786	6,500	5,274	5,948	6,115
Steam, stern-					
wheel..... “	1,074	3,604	4,330	2,346	2,773
Sail, ships.... “	9	8	8	10	4
Sail, barks.... “	47	39	16	24	19
Sail, barken-					
tines..... “	14	21	22	24	12
Sail, brigs.... “	.....	.....	1	1	1
Sail, brigant-					
tines..... “	17	12	13	23	19
Sail, schooners “	13,460	18,433	18,144	17,088	16,621
Sail, barges, ca-					
nal boats, etc “	3,793	6,751	6,314	8,100	7,648

—(Canada Year Book, 1911, second series, p. 377.)

TABLE CLXXXIII. SEA-GOING SHIPPING ENTERED AND CLEARED AT CANADIAN PORTS, 1868-1911, WITH CARGO AND IN BALLAST

Fiscal Year	BRITISH		CANADIAN		FOREIGN		Total tonnage
	No.	Tons register	No.	Tons register	No.	Tons register	
1868.....	13,911	3,457,113	.....	.....	2,105	862,208	4,319,321
1869.....	16,311	3,811,405	.....	.....	2,940	1,185,160	4,996,565
1870.....	15,863	3,942,392	.....	.....	2,652	1,142,481	5,084,873
1871.....	16,562	3,916,322	.....	.....	3,366	1,199,771	5,116,093
1872.....	16,151	4,356,661	.....	.....	3,614	1,381,564	5,685,144
1873.....	16,870	4,323,003	.....	.....	4,727	1,762,532	6,085,535
1874.....	12,191	3,945,822	.....	.....	5,562	2,105,539	6,051,361
1875.....	11,075	3,571,803	.....	.....	4,530	1,757,405	5,329,208
1876.....	2,595	1,896,603	8,554	1,634,333	5,614	2,379,828	5,910,764
1877.....	2,963	2,216,516	8,955	1,897,094	5,842	2,531,212	6,644,822
1878.....	2,954	2,294,688	8,847	1,928,531	5,715	2,461,165	6,684,384
1879.....	2,618	2,155,444	9,296	1,736,310	5,087	2,196,796	6,088,550
1880.....	2,990	2,642,935	10,219	1,794,210	5,161	2,349,569	6,786,714
1881.....	3,707	3,526,005	11,103	1,865,612	5,952	2,712,720	8,104,337
1882.....	3,335	3,164,839	11,355	1,892,290	6,448	2,879,433	7,936,562
1883.....	3,403	3,001,071	11,291	1,886,166	6,814	3,085,540	7,972,777
1884.....	3,327	3,257,219	11,796	1,880,993	7,220	3,346,089	8,484,301
1885.....	3,219	3,007,314	10,512	1,588,894	7,461	3,048,407	7,644,615

<sup>12</sup> Nine months.

TABLE CLXXXIII.—SEA-GOING SHIPPING ENTERED AND CLEARED AT CANADIAN PORTS, 1868-1911, WITH CARGO AND IN BALLAST—(Continued)

Fiscal Year	BRITISH		CANADIAN		FOREIGN		Total tonnage
	No.	Tons register	No.	Tons register	No.	Tons register	
1886.....	2,960	3,101,285	11,405	1,783,623	7,006	3,159,663	8,044,571
1887.....	2,679	2,657,619	12,901	2,314,109	10,570	3,390,708	8,362,436
1888.....	3,316	3,326,417	13,828	1,862,295	13,663	4,009,091	9,197,803
1889.....	3,305	3,333,079	13,021	1,599,594	12,218	4,363,928	9,296,601
1890.....	3,671	3,617,013	13,695	1,708,939	13,758	5,002,333	10,328,285
1891.....	3,483	3,523,238	13,665	1,791,306	14,173	5,380,652	10,695,196
1892.....	3,402	3,586,335	13,720	2,085,187	13,839	5,081,452	10,752,974
1893.....	3,271	3,780,915	13,422	2,189,925	10,854	4,637,771	10,608,611
1894.....	3,381	4,146,645	13,780	2,334,081	11,179	4,799,810	11,280,536
1895.....	3,206	3,994,224	12,918	2,054,024	11,752	4,928,581	10,976,829
1896.....	3,226	4,385,055	13,462	2,141,272	13,114	4,932,497	11,458,824
1897.....	3,835	5,393,435	11,123	1,888,172	12,136	4,729,373	12,010,980
1898.....	4,121	5,777,068	12,142	2,029,745	11,524	4,778,672	12,585,485
1899.....	4,855	6,625,698	10,918	1,892,215	11,348	4,719,141	13,237,054
1900.....	4,707	6,728,799	11,427	1,918,320	12,412	5,528,002	14,175,121
1901.....	4,319	6,694,133	9,910	1,677,138	12,476	6,171,791	14,543,062
1902.....	4,363	6,865,924	11,413	1,937,227	14,530	5,928,337	14,731,488
1903.....	4,647	7,753,788	11,282	2,085,568	12,403	6,001,819	15,841,175
1904.....	4,997	8,045,817	11,045	1,979,803	14,002	5,801,085	15,826,705
1905.....	4,614	8,034,652	11,279	2,269,834	11,904	5,283,969	15,588,455
1906.....	5,104	9,059,453	12,201	2,304,942	12,511	5,479,034	16,843,429
1907 (9 mos.)	4,488	7,576,721	7,880	1,899,141	8,107	4,429,012	13,904,874
1908.....	6,356	10,329,515	10,562	2,606,660	12,886	6,555,096	19,491,271
1909.....	5,795	10,405,370	10,946	2,806,278	13,441	6,554,228	19,765,876
1910.....	5,780	11,038,709	10,857	3,498,361	13,147	6,267,243	20,804,313
1911.....	6,870	12,712,337	10,607	3,341,998	12,467	6,242,851	22,297,186

NOTE.—Canadian vessels were not separated from British in the years 1868-1875.

—(*Canada Year Book*, 1911, second series, p. 379.)*Immigration*

TABLE CC.—ARRIVALS AT INLAND AND OCEAN PORTS IN CANADA IN FISCAL YEARS 1907-1911

Nationalities	1907 (9 mos.)	1908	1909	1910	1911	For 9 mos. ended December 1911
English.....	41,156	90,380	37,019	40,416	84,707	81,750
Irish.....	3,404	6,547	3,609	3,940	6,877	7,313
Scotch.....	10,729	22,223	11,810	14,706	29,924	29,694
Welsh.....	502	1,032	463	728	1,505	1,380
Total from U. K. ....	55,791	120,182	52,901	59,790	123,013	120,137



TABLE CC.—ARRIVALS AT INLAND AND OCEAN PORTS IN CANADA IN FISCAL YEARS 1907-1911—(Continued.)

Nationalities	1907 (9 mos.)	1908	1909	1910	1911	For 9 mos. ended December 1911
Armenian.....	208	563	79	75	20	43
Australian.....	185	180	171	203	266	158
Austrian.....	562	1,899	1,830	4,195	7,891	4,483
Belgian.....	650	1,214	828	910	1,563	1,238
Bukowinian.....	229	2,145	1,546	725	700	241
Bulgarian.....	179	2,529	56	557	1,068	1,516
Chinese.....	92	1,884	1,887	2,156	5,278	5,633
Danish.....	297	290	160	300	535	458
Dutch.....	394	1,212	495	741	931	891
Finnish.....	1,049	1,212	669	1,457	2,132	1,391
French.....	1,314	2,671	1,830	1,727	2,041	1,794
Galician.....	1,652	14,268	6,644	3,368	3,553	1,541
German <sup>12</sup> .....	1,889	2,363	1,257	1,516	2,530	3,866
Greek.....	545	1,053	192	452	777	544
Hebrew, Austrian.....	146	195	24	56	248	228
Hebrew, German.....	43	54	15	10	19	3
Hebrew, Polish.....	49	46	2	28	85	40
Hebrew, Russian.....	5,802	5,738	1,444	2,745	4,188	3,581
Hebrew, <sup>12</sup> .....	544	1,679	151	343	606	453
Hindoo.....	2,124	2,623	6	10	5	14
Hungarian.....	499	1,307	595	621	756	313
Icelandic.....	46	97	35	95	250	201
Italian.....	5,114	11,212	4,228	7,118	8,359	5,720
Japanese.....	2,042	7,601	495	271	437	650
Newfoundland.....	1,029	3,374	2,108	3,372	2,229	2,502
New Zealand.....	30	70	65	82	116	54
Norwegian.....	876	1,554	752	1,370	2,169	1,472
Polish, Austrian.....	375	586	42	483	1,065	1,853
Polish, German.....	22	16	3	12	43	20
Polish, Russian.....	492	736	255	738	800	847
Polish, <sup>12</sup> .....	144	255	76	174	269	548
Roumanian.....	431	949	278	293	511	663
Russian, <sup>12</sup> .....	1,927	6,281	3,547	4,564	6,621	7,013
Ruthenian.....	303	912	149	568	2,869	10,342
Servian.....	4	48	31	76	50	161
Swedish.....	1,077	2,132	1,135	2,017	3,213	2,109
Swiss.....	112	195	129	211	270	194
Syrian.....	277	732	189	195	124	128
Turkish.....	232	489	236	517	469	389
U. S. (via ocean ports).....	89	133	94	186	203	127
United States.....	34,659	58,312	59,832	103,798	121,451	107,365
West Indian.....	64	134	113	146	398	298
Other nationalities.....	1,079	1,344	334	523	963	1,294
Total.....	68,876	142,287	94,007	149,004	188,071	172,379
Grand total.....	124,667	262,469	146,908	208,794	311,084	292,516

—(Canada Year Book, 1911, second series, p. 396.)

<sup>12</sup> Not elsewhere specified.

TABLE CCII.—IMMIGRATION FROM UNITED STATES TO CANADA AND ESTIMATED VALUE OF EFFECTS AND CASH, FROM JANUARY 1, 1906, TO JANUARY 1, 1912

Years	No. of Immigrants	Wealth per capita	Total value of effects and cash
Calendar year 1906.....	63,782	\$809	\$51,599,638
“ “ 1907.....	56,687	885	50,167,995
“ “ 1908.....	57,124	1,152	65,806,848
“ “ 1909.....	90,996	811	73,797,756
“ “ 1910.....	124,602	1,061	132,202,722
“ “ 1911.....	131,114	1,539	201,784,446
Total for six years.....	524,305	\$1,097	\$575,359,405

—(*Canada Year Book*, 1911, second series, p. 398.)



## COMMUNICATION

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### FUNCTIONS AND NEEDS OF OUR GREAT MARKETS

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The trading pit organizations of boards of trade and chambers of commerce have come to function as crop-reporting boards as well as marts of trade. Unlike state and national crop-reporting boards, they are not local to their own country, but are also international in scope, taking account of acreages, crop conditions and harvested products of the entire world. And, unlike publicly-supported crop-reporting boards, they take into account demand as well as supply. They have more final functions than have public crop-reporting boards, because they crystallize the whole knowledge of conditions of supply and demand into actual daily prices.

These boards in the great commercial centers are, however, very inefficient reporters of crop conditions, in that they do not act as unbiased boards. The price figure which they decide upon is based only in part upon conditions relating to the supply and demand of the actual product and in part upon thoughts which grow out of the self-interest of the dealers in the ownership of margins on options and futures. The ownership of these margins, especially in case of exaggerated corners, gives such a bias to a portion of the members of these commercial price-making boards that their composite judgment is much warped.

These margins, risked on options and futures, sometimes aggregate many times more than the sum of the margins risked in the fluctuations on the price of the actual products bought and sold in the same market. In determining prices, the money at stake on "wind sales" takes a most prominent place by the side of actual changed conditions of acreage or of the development of the crop. In other words, mischievous factors arise to prevent the free action of the law of supply and demand, and the trading pit becomes an agency interfering with what would be the natural course of events in the commercial world. Associated with this fundamentally false element in these market organizations, numerous abuses arise.

Sometimes the trading pit, like a mob, is affected with collective hysteria, which then acts regardless of public interest, is demoralizing and even disgraceful in the eyes of the world.

Market trading in futures and in options is discussed by two schools of philosophy; one asserts that dealing in futures and options gives fluidity and acceleration to commerce and provides for hedging; that it enables producers, and especially manufacturers, to use all their capital in their immediate business; that it equalizes prices throughout the year to the manufacturers' advantage, by leaving the work of looking after fluctuations of price to financiers trained in speculative risks, thus placing the business of manufacture on a more conservative basis. They even claim that the machinery of the pit adds values to the actual product and thus creates new values; also that there are dangers in restricting this class of business by legislation, which claim, they assert, is proven by Germany's experience.

The other school asserts that too much fluidity and acceleration to business leads to frenzied finance, monetary panics, and business depression; that it destroys business confidence; and that it tends to center wealth in the hands of the few. This school calls attention to the fact that markets for sugar and some other products get on without dealings in options and futures, and that the efficiency of restrictive legislation has been demonstrated in southern states. They urge that bucket-shop dealing and the other forms of dealing in options and futures on a small scale are made possible by the large exchanges, where different classes of trade center. They assert also that those manufacturers, as a class, who do not hedge are more successful than those who do. And they give emphasis to the fact that these market organizations serve much the same purpose as did the Louisiana lottery, tempting weak men to their own ruin.

It may be safely asserted that this subject in its relation both to modern business and to the public welfare has not been comprehensively grasped by any one man or group of men. The intricacies of dealing in futures and in options are comprehended only by the few who are directly interested, and it is clear that they have not given due regard to the relations of these dealings to the general public nor to the many who, by speculation, lose their own financial status and while trying to get rich quick really plunge their families into the no-capital class.



It is clear that so many vital interests have come to depend upon markets for future delivery of commodities that a change to something better must be constructive rather than destructive. Therefore, to secure the greatest good for all concerned, reformatory measures, it would seem, should preserve the best features in present methods of dealing while abolishing their excesses and glaring wrongs. Men trained to philosophic and dispassionate methods of scientific research and generalization, assisted by men of experience in our market practices, are needed to look broadly at the problem in all its essential details and to suggest constructive practices and devise restrictive and constructive laws which shall remedy existing evils. Plans for national and international commissions are none too broad for problems as comprehensive and as important as this.

Although dealing in futures does help oil the wheels of exchange and adds elements of conservatism, our speculative markets are great irritants and the ever-present menace of manipulation produces world market conditions at once nervous and unstable. The general feeling that there is a large element of the unreal, the selfish, the false, the wrong, the actually vicious in our general commercial markets prevents confidence and, broadly speaking, is very repressive to commerce. Correctives are needed to preserve the good and eliminate the bad from the whole situation.

It must be admitted that in making prices daily the great market performs a most comprehensive, highly important and necessary feat which no other known agency can perform. Crop-reporting agencies greatly assist, but only the trading mart can serve as the crucible in which prices current are evolved out of the conditions of supply and demand. In relation to the entire world product of any commodity, as of wheat or cotton, the markets assemble as much as they can of the facts available concerning the supply afforded by the previous crop, also concerning the raw and finished products in store and in transit; concerning the acreage and condition of growing crops and also concerning the present and prospective demand.

Thus, in case of wheat on May first, account is taken of the grain in the hands of the farmers, in country elevators and in terminal warehouses and mills. The acreage and condition of winter wheat and the acreage of spring wheat in the wheat-producing countries of the northern hemisphere are taken into account, as is also the amount of flour in store. The facts as to stores of wheat and

flour in stock, acreages of winter wheat planted in Argentina, Australasia and other southern hemisphere countries are sought. The prospective purchasing power of those who buy wheat, flour and bread is roughly determined from the industrial activities of the great wheat-buying nations.

And in determining the prospective demand for wheat, facts concerning the prospective demand for other commodities are secured. Even the relative supplies and prices of meats are taken into consideration in securing data to help determine the prospective supplies of wheat, because, with high prices for meats, the crops used to feed live stock compete with wheat for increased acreages and thus lower the wheat acreage and raise the price of wheat. To coordinate and average all these factors into one single price figure is an important and comprehensive task. Under present conditions this work is not accomplished in a manner to give occasion for pride. Our prices fluctuate unduly and there is more restlessness than is well for the producer, the manufacturer, the dealer or the consumer. Those fluctuations which arise from changes in natural conditions should be and can be smoothed down instead of being exaggerated.

The parties in the aggregate most fundamentally interested in our markets and market prices are the primary producers and the consumers. Manufacturers, transporters and dealers, including speculators, are likewise deeply concerned; also all other lines of business, including that of banking. Every one of these classes, excepting the speculators, is interested in stability, in the absence of wide fluctuation in prices.

The manufacturer and the dealer, in order to avoid the consequences of risking wide fluctuations, often use the market for futures to hedge, *i. e.*, to sell against their own purchases. In other words, they use the machinery of speculation to make their own business less speculative. The manufacturer sells for future delivery to responsible parties the same amount of raw product as he purchases for his factory or mill, thus pitting a speculative sale against the speculative risk in his purchase. In form this is speculation, but practically it is not gambling, so far as he is concerned. He often then at once sells his finished product for future actual delivery at a price which will cover cost of raw product, cost of manufacture and profit. He thus, by a double speculative deal, insures the cost of his raw material at a certain figure, and thus insures his net profits.



The other items of fixed cost of producing manufactured products being known, he can thus affix his prices to be charged and proceed with nearly perfect assurance of modest profits. With less of risk, as he thus stands between the producer of the raw product and the consumer of the finished product, his charge for manufacture is reduced, presumably (if it stood by itself) to the advantage both of the producer and the consumer.

Each class above named, excepting the successful speculator, is a contributor to the expenses of speculating establishments. The main loss, probably, falls not on the producer or the consumer, but on the very many small speculators who on the average lose, and on the occasional large speculator who loses. And these losers not only pay for a large part of the cost of office maintenance, telegraph and other expenses attached to the speculative business, but they contribute large sums to the coffers of the successful speculators. Wealth is constantly going from these losing classes, which need their money for the building up of small family estates to endow the mother of the nation's children. Part of this lost money goes to build up the swollen estates of those few who especially succeed at speculation or, as it may properly be called, speculative gambling. There is enough of the odor of wrongdoing to produce a bad moral effect, not alone on the participants, but on the community at large.

There are no adequate statistics as to the ultimate sources from which is drawn the money won by those speculators who are successful. The commission fees paid to commission merchants who negotiate margin sales and purchase for individuals, mainly outside the membership of the exchanges, are paid by the multitude of speculators who thus risk their money on margins. The same outside speculators also, on the average, lose in their wagers with the trained dealers who are on the ground and who often combine to carry through deals in which a "community of interests" helps them to assure to themselves winnings. As suggested above, these outside dealers may even lose so much that they help pay producers enlarged prices in time of corners that "bull" prices upwards. The fact that corners are not always premeditated, but naturally grow out of the system of option sales, does not make their evil effects less.

No one has the data to determine whether, on the average, trading in options and futures decreases the price received by pro-

ducers and increases the price paid by consumers or the converse. It is perfectly clear, however, that in the large the outside speculators and the producers and consumers among them lose money to a class of men who do not really pretend either to produce, to transport or to manufacture; and they also pay the expenses of running an expensive speculative machine.

A very rough estimate places the money received from the people by exchanges and their bucket-shop appendages in America alone at upwards of \$200,000,000 annually. On the face of it this seems a high price to pay for fluidity and acceleration to the market and for the opportunity of hedging. It would seem that these advantages cost the American people more money than they are worth, besides being obtained at the price of a business plan which seems to degrade our morals, as evidenced by reckless speculation and by the practices of many bucket shops. Or, to put it another way, it would seem that some plan could be devised which would give equal or better service at a fraction of the cost.

The report of Governor Hughes' Committee on Speculation in Securities and Commodities, made public in June, 1909, is a very useful contribution to this subject in that it gives numerous facts not hitherto available. The local character of this commission made it natural that the discussion would be somewhat provincial, not looking at the subject from a national standpoint, let alone from an international standpoint; nor from the point of view of the unity of interests of the brotherhood of all men. It vigorously points out abuses and evils, it rather weakly advises exchanges to "be good" and to advise their members who speculate to do so temperately. Its addition to the detailed facts as to the volume of speculative trading in commodities and as to the associated advantages and evils of dealing in options and futures makes of it a distinct mark for progression in the discussion of the subject. And no doubt it will contribute to the solution of this vexed question.

Before the Committee on Agriculture of the United States House of Representatives at the hearing on option dealing in cotton in 1910 it was estimated by a number of cotton dealers that on the New York Cotton Exchange 105,000,000 bales are sold annually. Since a bale, 500 pounds, averaging twelve cents per pound, is worth \$60, this gives an aggregate of \$6,300,000,000 represented in option sales of cotton. Sales of futures in wheat on the Produce Exchange



were shown of over 600,000,000 bushels, or stated in its equivalent at one dollar per bushel, \$600,000,000. The record of the Coffee Exchange shows a sale of 16,000,000 bags of 250 pounds each. This represents, at seven cents per pound, nearly \$300,000,000. Thus in these three commodities, the sales amount to over \$7,000,000,000.

Figures secured by the present writer several years ago indicated that about one-third of the cotton sales were then between member and member of the exchange; one-third between members of the exchange and outsiders, and one-third between one outsider and another outsider, the members in this last case acting as commission men only. The members charge outsiders  $7\frac{1}{2}$  cents per bale commission, or, where the sellers and the buyers are both outsiders, the member receives a commission of fifteen cents per bale. Where the member buys of or sells to an outsider he literally charges the outsider  $7\frac{1}{2}$  cents per bale for the opportunity to bet with himself, the trained dealer, on the future price of cotton, the dealer graciously using a portion of this fee to pay the expenses of the exchange. Now, for purposes of illustration, assuming that of the 105,000,000 bales 35,000,000 are transactions between outsiders, the members at fifteen cents will receive in commissions \$5,250,000. For the 35,000,000 of sales between members and outsiders, the members receive, at  $7\frac{1}{2}$  cents per bale, \$2,625,000, making in all commission fees amounting to \$7,875,000. Since the membership is limited to say 500, this provides, on the average, \$15,750 per member, surely quite sufficient to pay expenses with \$5,000 to \$10,000 profit each.

It is probable that in the sales of 35,000,000 bales between members of the Cotton Exchange there is some eating of little fish by the big fish and allowing other little fish to enter the pond to take the place of those which were swallowed and to serve annually as food for the big fish who it is believed know how to consume the lesser fish. But the public has no feverish concern with the differences which exist among these costly appendages of trade.

As long as the irritation remains within the walls of the exchange, no systematic danger threatens the body politic; but in their buying and selling with outsiders arises inflammation which spreads outward and affects our most vital business institutions, and the homes which depend upon business for accumulative expenses and for the insurance against the rainy day. The 35,000,000 bales which members sell to or buy from outsiders at \$60 per bale represent

a value of \$2,100,000,000. Figures secured by the writer indicate that on settlement an average of about \$2.50 per bale, or one-half cent per pound, passes from the unsuccessful bettor to the successful bettor. On 35,000,000 bales the margins thus placed at risk would amount to \$87,500,000. Only estimates can be secured as to the proportions of the bets on futures on these commodities which are won by the members and by outsiders. Since estimates have run all the way from 60 per cent up to 85 and even 90 per cent, a very conservative estimate would seem to be 65 per cent. If the experienced members secure 65 per cent of the \$87,500,000, risked in the bets, or \$56,875,000, they receive back \$13,125,000 more than half of the \$87,500,000, or of the \$43,750,000 which they risked; and the outsiders lost this amount. Thus, at least for the purpose of illustration, it seems fair to roughly estimate that the outsiders pay to the members in fees \$7,875,000, and in winnings \$13,125,000, or a total of \$21,000,000.

Then the people at large are concerned also with the transactions among non-members. A goodly proportion of these trades are between speculators who are not members of the exchange and outsiders who bet in a small way. Some of these speculators operate in such an illegitimate manner that they could not secure election to membership, others are barred by the low limit to the number of members. Many of these speculators are far removed from the seats of the exchanges and are often organized for business in the form of what are commonly called bucket shops. This class of dealing is worst of all because so little under law or restraint. Estimates are well nigh useless here, because so little is known "outside the trade" on which to base estimates.

But, taking the estimate of \$21,000,000 above, for which the writer believes there is a fair basis, and to be more than conservative, assume that the smaller people lose another \$9,000,000 through dealing with speculators with business connections with the exchanges, or who assume to have such connection, and we have a total of \$30,000,000 lost, for the most part by the middle and poorer classes of people, on cotton dealing. Of the 12,000,000 bales of cotton produced in this country, we manufacture more than 4,000,000 bales, worth say \$240,000,000. In case of not more than \$100,000,000 of this we may estimate that there may be hedging. The wrong transference of \$30,000,000 in order that a group of manufacturers



may have the privilege of hedging, with their fellows doing nearly or quite as well without, is very costly.

There is evidence that the really large speculative dealing is in wheat on the Chicago market. Estimates made some years ago indicate that 90,000,000,000 bushels of grain sales were made annually in Chicago. Applying the same method of calculation to this as that used for cotton, and the figures lost by the small speculators on all commodities run into a few hundred million. Viewed as a matter of wealth distribution, produce and stock exchanges evidently change vast sums from the middle classes to certain rich speculators. They cause distrust and sometimes lead to industrial panics; but their worst feature is their inculcation of a lack of steady business honesty among people who yield to temptation to get something for nothing.

There is a growing demand that the methods of our markets which deal in futures and options should be investigated with that thoroughness which will provide a basis for corrective action. Of the fact that restrictive laws have the effect of stopping the excesses in sales of futures there is abundant evidence in results from the legislation of various south Atlantic states. Federal laws making illegal the dealing in options and futures have been proposed which have resulted in a beginning of a study of the intricacies of the problem. Those directly interested in dealing in options and futures have abundantly demonstrated that they have the advantage of having technical knowledge of the subject and of being able easily to center their arguments. Those not interested specifically, but concerned on principle, have not been so organized as to represent the public interest before legislative bodies either with an adequate grasp of the subject or with an aroused public will. Men who have proposed regulation cannot claim to have presented their side of the case as ably as the opposition to regulation has stated theirs. No doubt some of our universities have economists with abilities suited to attacking this problem. Some of the professors of commercial geography have collected many data as to the flow of commodities along the great highways of commerce which connect international markets, which would be useful to students of this subject. Minds able to investigate deeply, to master details, to appreciate great economic and moral interests, to give practical generalization and to coordinate constructively the

functions of public crop-reporting agencies and price-making markets are needed to evolve a general informational and marketing scheme for farm products.

If markets which provide for dealing in options and futures could confine these forms of trading to narrow limits, the manufacturer could hedge against his purchases, allowing some one else to carry part of this speculative risk; and others could take advantage of this amount of trading in futures and options as a sort of clearing house to facilitate trade. Simply to illustrate, if a law could be so framed as to confine speculative trading in a given market to quadruple the actual transference of product in that market, it might conserve a useful function by eliminating the great evil of unrestricted speculative movements and thus avoid the state of uncertainty which results from not knowing when speculative excesses will occur. If all deals in options and futures were required to be made public in order to be legal, this for all practical purposes might restrict speculative sales without abolishing these features which are useful in actual business.

It may be that the market organization, possibly under a state or national law, could place a prohibitive tax on all sales of options and futures beyond a limit which would be sufficient to permit all needed speculative sales, but would prevent gambling excesses. This would enable one set of men trained in financing the carrying of raw products to take care of much of the risk, thus relieving the manufacturer who, by hedging, could make his business less speculative. Possibly laws would be effective which would define the amount of trade in futures and options which would be considered speculation and the additional amount which would be considered gambling, with penalties on any market organization for allowing its members to exceed the legal limit. If the excess of sales of options and futures above a given number on a given market were declared by law to be gambling, market organizations permitting more than the limited amount of sales could be denied the use of the mails, telegraph, telephone, express companies and other common carriers. These specific suggestions are not given here so much with a view to offering a solution of this knotty problem as to illustrate the proposal that this subject is open to possible and practical suggestion, and that there is reason for the hope that some solution for the problem of our market excesses may be found.



That public crop-reporting agencies should be greatly amplified, especially in their world area aspects, so as more adequately to perform some of the functions now performed by the large markets seems clear. Publicity, at more frequent intervals, of acreages, conditions, yields, stocks in store and prospective demand might prove the safest and most efficient cure for fluctuations which come from speculation based on private crop reports.

Public establishments for providing statistics useful to trade are gradually coming into existence. In the United States basic work is done every fifth year by the United States Census Office, when the acreage, the total amount of farm crop products grown and the numbers of live stock are secured by an actual census count. Thus, in 1910, when census taking was under way, every farm in the entire country was visited, and acreages, quantities and other facts were secured concerning each farm crop of the previous year, 1909, and the number of each class of live stock was ascertained.

The Bureau of Statistics of the United States Department of Agriculture, during each succeeding year of the next five years, uses the census figures as a basis upon which to estimate changes in acreages and in numbers of live stock. These acreages, as ascertained by the census and the Bureau of Statistics, are used as bases upon which to estimate the conditions of the respective crops throughout the season, also the yield per acre, and to determine approximately the production per state and for the entire country. Thus, throughout the year the markets are kept informed as to acreage, progressive conditions of growth and quantities harvested. It must be admitted that the public generally makes little direct use of these reports, but relies almost wholly upon the interpretations of them put out by the great market centers in the form of current price figures.

The method of securing the information, of reducing it to figures representing averages and totals and of publishing the figures may be of interest. The Bureau of Statistics of the United States Department of Agriculture is the largest and most highly-organized department devoted to reports of current crop conditions supported by any country in the world. With a current expense fund of approximately \$150,000 annually for that purpose, it employs about fifty statisticians and clerks in the City of Washington and a third as many special traveling reporting agents outside of Washington.

A state agent in each state is also paid for part of his time; while nearly three thousand county correspondents and thirty thousand township and individual correspondents give voluntary service as crop reporters. There are thus received in the Washington office four classes of reports on each crop. The reports by states, from special traveling agents, each of whom has from one to four states, and those from the state agents are sent directly to the Secretary of Agriculture and are deposited in a safe until the crop-reporting board meets on crop-reporting day. The reports from the county correspondents and also those from the township correspondents are sent to the clerical force at Washington, where they are assembled and averaged by states and the summarized results, in fractional parts, are also placed in the Secretary's safe till the crop-reporting board is in session and ready to use them.

On report day the crop-reporting board, consisting of the statistician and four assistant statisticians and agents, receives the four classes of reports in a meeting behind closed doors. With the aid of clerks, the estimates from the different classes of correspondents are entered on sheets in four columns. Each board member is supplied with a copy and, working independently at a separate table, he resolves the four figures for the given crop for each state into a common figure and thus constructs a fifth column. The five columns of figures, one representing averages from each of the several members, are then all copied side by side on a single sheet and the board in session merges the judgment of its five members into single figures for each state. This is something more than averaging, because the board often has reasons for giving more weight to the judgment of one class of reporters than to that of the others; and there are at times other legitimate sources of information than that which comes from the four classes of reporting agencies.

When the hour set for announcing the figures arrives the board has its report worked out with national as well as state averages and totals, and manifold copies are made of a table of these figures together with a few brief paragraphs stating the leading facts as to the acreage and condition of each crop. A few minutes before the clock strikes the hour the board and the Secretary of Agriculture sign the report and take it to the corridor near the telegraph room. Several copies of the report sheets are laid, face down, on a table. Eight or ten telegraph operators and news reporters are ready for



the stroke of the clock, and with the word they seize the papers and rush to the telegraph and telephone instruments. In a single minute the wires have flashed the leading figures to New York, Chicago, New Orleans and other great markets.

Now contrast this procedure with what takes place at the market end of the wire. There, in the trading pit, hundreds of men watch the clock, and when the telegraphic figures giving the estimates of the acreage, or yield, or total product, of a given crop are shouted out, or are placed on the blackboard, each dealer forms a judgment as to whether to bid higher or lower on the products affected by the reports. The conclusion of the crop-reporting board, taken in the most serene calmness of a quiet room in a building surrounded by a beautiful park in the National Capital, suddenly, on the wings of lightning, flashes into the bedlam-like mart where fortunes are made or lost in a moment. The selling pit has a spasm and in a few moments the price of the commodity has risen or fallen to a fairly stable equilibrium at a point warranted by the newly-reported facts as to crop conditions.

### *World Acreages*

If the reports thus sent to the great market included the entire world acreage the effect would be still more interesting. At present individuals and firms, and groups of operators cooperating privately, secure reports of crops from other countries and also reports of products from previous crops in store together with the prospective demand. There is thus much private information utilized at the great market centers in arriving at the daily price current. And too often the speculating public is led to believe, or allowed to believe, that the partial facts which are made public from these private sources tell the whole truth when they may not. And it is at least widely believed that those dealers who have the more complete and accurate information sometimes proceed first to buy many margins in option and future deals and follow this movement by publishing their privately secured facts which will turn the margins in their favor.

The public has no special concern as to which of two groups of trained speculators beats the other by securing first and taking advantage of the facts of changed conditions. The public is, however, deeply concerned with the practices of these boards when they entice men of small means who are without knowledge of the

changed conditions of crops to take risks in a nearly "sure thing" game with speculation in wheat or cotton, just as it was concerned with the Louisiana lottery. The public is also concerned to avoid unnecessary fluctuation in prices, which greatly hampers manufacture and often seriously affects the interests of producers and consumers and also of dealers in actual products. There exists a strong consensus of opinion against market organizations for excessive dealing in options and futures, and if a plan were devised which would furnish an efficient substitute for the marketing machinery which has there grown up entwined with the option and future features, such new organization would be generally demanded. Were a really efficient scheme devised for giving great fluidity to the markets and to the transfer of credits, the people would demand of Congress that it be installed by a restrictive and constructive federal law. There are many intelligent men who believe that if all markets for dealing in options and futures were placed under restrictions so stringent as to prohibit the gambling as now carried out, business would adjust itself to the change very readily.

One of the constructive needs is world area statistics. The new International Institute of Agriculture at Rome, recently organized, has, as one of its three departments, a bureau of agricultural statistics, which collects world area data and supplies these facts to the forty-nine adhering countries. It thus gives basic statistics of acreages, conditions and total products as assembled at Rome, Italy. This information is assembled in a rather open way and is published as soon as it is tabulated and made available. At present its information is rather old when received by the markets, but it is possible that eventually not only monthly reports will be issued during the season of growth of a given crop, but that throughout the month facts of special changes arising from storms, droughts or other quickly operating causes may be assembled and reported at once when they have occurred. That Institute collects available facts through agencies already organized in the different countries; and it is successfully encouraging the equipment of statistical crop-reporting bureaus in all countries.

Two methods of procedure have been suggested for assembling and giving out information from Rome. Under the first method no especial effort will be made at keeping the facts in confidence while assembling them. Each country will compile its own statistics,



publishing them when it pleases and sending the general results to Rome. The Institute will compile these facts for the world areas of each crop and publish them. Under this plan it will be able gradually to improve the statistical organizations throughout the world. Better basic census statistics of actual acreages and quantities grown in census years, preferably once in five years, will be made by the adhering nations, and more accurate compilations of current prices will be made. Annual estimates of acreages and seasonal time of planting, growth and conditions for harvesting will be based on better and more numerous data. Markets will have better annual data and better ten-year averages as bases for comparison to determine the probable prices the estimated crops of a given year should and will command in the markets. Gradually the Institute can extend its records, in many cases based on actual census-like counts, to amounts of each product consumed in the respective countries, the amounts in transit and in store, and may also estimate the probable demand or consumption in each country. Thus the figures of the Institute may more generally supplant the figures of non-public agencies and thus come to be the recognized bases for nearly all comparisons and estimates of acreages, yields per acre, quantities and quality of products, also of demand and of prospective demand, and thus serve in a more potent way in providing stability of average daily current prices. Even under this plan there will be some holding of final figures in confidence until they are simultaneously published to all agencies desiring them.

The second method contemplates the assembling of data in confidence, not with great secrecy, but without allowing publicity of data until they can be open to the use simultaneously of all parties who desire them as is now done by the United States Department of Agriculture. Under this plan an organization somewhat more formal than that now in use by the United States Department of Agriculture has been suggested. Using the political divisions of this country to serve in stating the scheme, the plan suggested is something as follows: Have in each township a man who will spend a day once a month, and an additional day on occasion of special changes of crops due to storm, drought, etc., in gaining knowledge of acreages, conditions of growth, yield and quality of crops, and number of live stock and their condition. Have him report in writing to a district agent at a central mailing point where are received

township reports from a few score of townships. Let this district agent compile the reports and wire totals to the state agent, who would compile the district reports into state averages to be wired to Washington. The national crop-reporting board can then compile the state reports into national averages and cable the totals to Rome.

Possibly machines could be devised for use by the district and state agents, and by the national bureau in compiling weighted averages. If the closing compilations at least could thus be done by calculating machines, it might give even greater assurance both of accuracy and that all the figures be kept in confidence. Or experience may prove that the present crop-reporting board plan is not only safe but better adapted to giving accuracy to the estimates which are sent by a nation to the board at Rome. At least, experiments should be undertaken to find that method which would be both efficient in getting accurate and frequent reports and economical for each country.

There seems to be no difficulty in keeping telegrams in confidence under telegraphic keys such as the one devised for use by the United States Crop-Reporting Board; and the amount of telegraphing suggested is not so large as to be a serious item of expense. The cost of the time of the local estimating agents is the most serious financial matter. The lack of organization in some countries and the difficulty at first of securing dependable local reporters are thought to be the large difficulties. Traveling agents to check up reports so as to prevent biased statements, and to educate district and state agents, as proven by the experience of the United States Department of Agriculture, do much to give accuracy to the primary estimates. The quinquennial census, compiled for township units, checks up township reporters, serving both to give them bases for their estimates and also to put the accuracy of their work to the test, that they may feel the responsibility of giving correct statements of actual fact.

With really comprehensive and efficient crop reports of the world areas of a given crop, the great markets should be able to maintain fairly steady prices, fluctuating only as the facts of production and consumption warrant. Such reports, issued by an agency which all parties trust as to its fairness and efficiency, would be the main factors in determining prices. These reports, together with a simple law, probably restricting rather than abolishing the



amount of dealing in options and futures to adequately meet all requirements of hedging, might give nearly ideal market conditions. On the other hand, abolishing deals in options and futures might prove the better, but either alternative would seem preferable to the overwrought system in which gambling is mixed with business in a most unbusinesslike manner. If laws prohibiting dealing in margins are not practical in a single country, world government in market matters may create conditions under which world law along this line may be effective. Our markets are world wide and our statistical service is rapidly becoming world wide.

A weak investigation which does not enter into the problem in the most virile and comprehensive way, by failing of results, might help to entrench the dominating philosophy of the nearly unrestricted gaming pit. Possibly some plan of a national or international commission may be devised which will spend time enough, energy enough, scientific research enough and business sense enough to comprehend the essential factors and to advise either that we continue the present system; that some modified form of "future" price making be adopted, or that dealing in options and futures be abolished. In any event the next step needed would seem to be a most efficient investigation.

It is possible, and even probable, that a broader public scheme for quickly gathering and dispatching crop statistics and facts concerning market needs would serve producers, dealers in and consumers of fruits and vegetables as well as those interested in the non-perishable products. In case of these latter products, no very comprehensive system of statistics has been devised; but even here the public gathering of statistics might prove to be very useful to supplement the very awkward and inefficient system of information now served by private agencies to the growers on the one hand and to the markets on the other.

Under the second plan, outlined above, of assembling crop reports, the township agents could easily include reports on such perishable crops as strawberries, peaches and canteloupes. The telephone and telegraph could be used to assemble at once the estimates of amounts of ripening crops, and to give the information to distant markets. This information could also go at once to the railways to guide them in supplying a sufficient number of refrigerator cars. Associations of producers could also be supplied with information

as to the markets most needing shipments, as gathered by paid agents in those markets, that they might bill their car lots to the most favorable markets or might deflect cars already part way on their journey, thus avoiding glutted markets and supplying all consumers in the most equitable manner.

Things world wide in their needs are not easily organized in the public interest. World peace is more needed on account of markets than most people imagine. World government has already been inaugurated. The International Institute of Agriculture at Rome is the first beginnings of an economic department. Even if its protocol or constitution need to be enlarged for that purpose, would not that Institute be the best auspices under which a commission could study world trade? In the meantime, would not national commissions to study international trade practices be a good preliminary step?



## BOOK DEPARTMENT

### NOTES

D'ANETHAN, BARONESS ALBERT. *Fourteen Years of Diplomatic Life in Japan*. Pp. 471. Price, \$4.25. New York: McBride, Nast & Co., 1912.

BACON, E. M., and WYMAN, M. *Direct Elections and Law Making by Popular Vote*. Pp. iv, 167. Price, \$1.00. Boston: Houghton, Mifflin Company, 1912.

Short manuals of this sort reach a number of people who would not read a larger book. Fifty pages are devoted to discussing the contrast in theory and working between the Swiss, the early American, and the later American forms of the initiative and referendum. Unfortunately almost one-half of this space is devoted to general discussion of development which is out of place in a book of such summary character. The rest of this chapter is almost entirely drawn from Oberholtzer's volume on "The Initiative and Referendum in America." The outline of the spread of direct legislation is clearly drawn.

The second and third chapters covering half the book are devoted to the recall and commission government for cities, material not indicated by the title. The chapter on the recall is summarized from Oberholtzer and Beard and Shultz's "Documents on the State-Wide Initiative, Referendum and Recall." The discussion of commission government is too brief to leave even an outline in the reader's mind. The last chapter and the only one which has claim to originality discusses the degree to which preferential voting has been adopted in America and the changes now urged by advanced reformers. In the appendix are given some fac-similes of referendum ballots.

Those who wish a brief review of the field covered will find this book useful. For the student who wishes a thorough account, the volume offers little that is not easily available in standard authorities.

BALCH, WILLIAM M. *Christianity and the Labor Movement*. Pp. 108. Price, \$1.00. Boston: Sherman, French & Co., 1912.

We are fond of saying—we of the Church—that labor does not understand the Church, but we are not quite so ready to admit, as certainly we should, that the Church does not understand labor; that there is, in short, mutual misunderstanding.

It may be seriously questioned whether labor's unfamiliarity with the Church is as great as is the ignorance of the Church regarding labor. The pronouncement four years ago of the Federal Council of Churches of Christ on the Church and modern industry was perhaps the very first notable attempt, by the Church, to set forth the common ground and interdependence of organized religion and organized labor, and to suggest, rather vaguely, a joint program for advance. But catholic as was that pronouncement and sweeping as were its terms as to the breadth of the Church's sympathy, yet it presented little, if any, of the viewpoint of organized labor; in fact, it was not purposed so to do.

Dr. Balch in his volume renders a distinct service. Comprehensively, yet concisely; truthfully, yet sympathetically; with adequacy of statement, yet with economy of language, he introduces labor to the Church—and he grounds the roots of labor in the fundamentals of religion. Conversely, the Church is made known to labor.

The book is in the best sense practical. The realm of the stars is not invaded to garment thought, yet there is felicity of expression throughout. It is a working man's book, whether the workman be of the study, the shop or the office; and it has a direct appeal to all men who are really interested in the vital problems of these days of social and religious readjustment.

BATESON, W. *Biological Fact and the Structure of Society*. Pp. 34. Price, 35 cents. New York: Oxford University Press, 1912.

This booklet is the Herbert Spencer lecture delivered at The Examination Schools at Oxford February 28, 1912, and is an attempt to evaluate the biological aspects of civilization. The argument is the enlargement of the general proposition that environmental selection of adaptable variations of physiological and psychological types is that upon which all permanent and stable institutions are founded. It is therefore inevitable that the right and safe direction of social progress must be based upon biological observation and experiment. Students of eugenics will find the article stimulating and suggestive.

BEROLZHEIMER, FRITZ. *The World's Legal Philosophies*. Pp. liv, 490. Boston: Boston Book Company, 1912.

This volume is the second in the Modern Legal Philosophy Series edited by a committee of the Association of American Law Schools. The series was instituted in response to the seeming need of the legal profession, for instruction in "the technic of legal analysis and legal science in general." A year was spent in collecting material by the committee of five. Suggestion and advice were given by many masters in leading foreign universities. The result is unquestionably a collection of unique character and value. The present volume is a comprehensive, historical review of world philosophies, treated from the special viewpoint of juristic thought. No significant theoretical tendency is neglected from that revealed in the earliest civilization of the Orient to the generalizations of recent economic, sociological and general evolutionary philosophers and schools. The treatment is somewhat insular in its emphasis on German thought; but this is so catholic and so representative of varying tendencies that one would have great difficulty in finding a better outline history of thought than is to be found here. There is little effort at interpretation; and the almost endless array of topics treated gives rise to a tantalizing brevity of treatment in individual instances. But, after all, these are only defects of a comprehensiveness that will stimulate readers to deeper research.

BLOUNT, J. H. *The American Occupation of the Philippines*. Pp. xix, 664. Price, \$4.00. New York: G. P. Putnam's Sons, 1912.

BOWMAN, I. *Forest Physiography*. Pp. xxii, 759. Price, \$5.00. New York: John Wiley & Sons.



BUTLER, NICHOLAS MURRAY. *The International Mind*. Pp. 121. Price, 75 cents. New York: Charles Scribner's Sons, 1912.

The five addresses comprised within this book are devoted to the task of teaching our American people to "think internationally," even as Washington, Hamilton and their colleagues taught their contemporaries to "think continentally;" and as continental thinking was a prerequisite to the formation of the American Union, so international thinking is a prerequisite to the development of a family of nations in which an international judiciary shall take the place of warfare and national armaments in the settlement of disputes between nations.

This international thinking is looked to as the basis of an international public opinion which will act as the chief power, moral or physical, in the enforcement of international justice; and it is looked to, also, as the basis of a rational frame of mind which will put an end to the hysterical, emotional insanity which has been causing national armaments to increase by leaps and bounds.

The need for this international mind is illustrated in these lectures by references to the Anglo-German panic of recent months, and to sundry other ludicrous, or tragic international phenomena; the chief burden of teaching it to the world, by precept and example, is laid upon the shoulders of the United States of America: *noblesse oblige*; and its potency in putting an end to the world-old scourge of warfare is argued with all the luminous cogency for which the eloquent author of the addresses is so justly famous.

CLARK, J. B., and JOHN M. *The Control of Trusts*. Pp. ix, 202. Price, \$1.00. New York: Macmillan Company, 1912.

The revised edition of Professor Clark's "Control of Trusts" is in the estimation of the reviewer a very considerable improvement over the earlier volume. Barring chapter iii, which deals principally with tariff revision, and chapter iv, devoted in large measure to railway regulation, the volume contains much that deserves careful consideration by those studying trust regulation. The greater portions of the two chapters just mentioned are unnecessary and add little or nothing to the really valuable suggestions that are contained in other parts of the book.

Professor Clark desires to prevent the crushing of efficient competitors by the trusts (chap. v). He has specified only two of the methods used, *i. e.*, local price cutting and factors' agreements. The fact that these are only two devices out of many and that the author has taken no cognizance of the effect of the Miles Medical Company decision upon the factor's agreement, does not detract from the soundness of the general conclusion that if we are to have any competition these methods must be eliminated.

The most important chapter is the seventh on Constructive Competition. Here the argument is against the legalizing of pools and agreements, price fixing and other steps involving a recognition of monopoly as the guiding business principle. Several constructive suggestions are also offered, among which the reviewer found most interesting that permitting the holding company to hold stocks for investment only (pp. 150-51). It is felt that Professor Clark's condemnation of the oil, tobacco and powder dissolutions is premature, while the necessity of his proposed commission (p. 175) is seriously questioned. The volume is a strong brief for competition.

CLOPPER, EDWARD N. *Child Labor in City Streets*. Pp. ix, 280. Price, \$1.25. New York: Macmillan Company, 1912.

The author feels after an earnest and sufficient study of the question, that child labor in the city streets should not only be regulated but should be absolutely forbidden. After a discussion of the general problem, and investigation of the various types of street traders, the effect of street work on the children engaged in it and the failure of the attempts to regulate the evil, he reaches the conclusion that absolute prohibition is necessary. The author feels that no real good can result from the continuation of this form of child labor as great harm results to the child. The practicability of having older persons sell newspapers and deliver messages is carefully considered and this solution of the question appears advisable. "Social workers have returned a true bill against street work by children. What will the verdict of the people be?" (p. 158). The material of the subject of street trading has been covered and the book contains copious extracts from the reports of investigations and from the opinions of child labor experts. The bibliography is complete. The appendices contain copies of the best laws that have been enacted and copies of badges and forms that are being used. The book should become a valuable handbook for all who are interested in the question of child labor and should help remedy the unsatisfactory conditions with which it deals.

COMMISSION OF CONSERVATION, CANADA. *Sea Fisheries of Eastern Canada*. Pp. 212. Ottawa: Mortimer Company, 1912.

The Committee on Fisheries, Game and Fur-Bearing Animals of the Canadian Commission on Conservation has published this very valuable and interesting volume of papers and discussions, treating of Canada's fisheries, as the proceedings of a meeting in Ottawa, June 4 and 5, 1912. Maps and charts of the areas of location and the annual productions are distributed throughout the volume. While it seems that the fisheries show a marked decline during the last twenty years, the work of the conservation commission will, it is hoped, find the means not only to arrest this decline, but to assure a rapid and continued development from year to year.

COMMITTEE OF THE CITY CLUB OF CHICAGO. *A Report on Vocational Training in Chicago and in Other Cities*. Pp. xiii, 315. Price, \$1.50. Chicago: City Club, 1912.

The City Club of Chicago has rendered a signal service in this excellent compilation of material on "applied education." The tendency toward vocational training should receive a great impetus from the sane constructive recommendations which the committee of the City Club has outlined in such great detail. Although extremely complex, these recommendations may be summarized as (1) the establishment of a differentiated curriculum in the seventh and eighth years; (2) a vocational school replacing the present seventh and eighth years which children may enter at the age of thirteen; (3) an industrial school which over-age children may enter at twelve; (4) a highly differentiated high school system consisting of general technical, commercial, industrial and trade courses—the trade courses open to those who have selected the vocational school instead of the seventh and eighth years of the regular course; (5) day continuation classes which children may enter at fourteen; (6) apprenticeship schools which children



may enter at sixteen. All of these suggestions are intended to supplement the regular course of study at present existing in the schools. The committee has prepared a careful diagram, showing the method by which these various departments will be articulated. The report also includes a careful analysis of industrial and trade education under both public and private auspices in other cities. The whole work is worthy of the careful perusal of all persons intimately connected with the public educational system.

DAVIS, B. M. *Agricultural Education in the Public Schools*. Pp. vii, 163. Price, \$1.00. Chicago: University of Chicago Press, 1912.

DEALEY, J. Q. *The Family in its Sociological Aspects*. Pp. iv, 137. Price, 75 cents. Boston: Houghton, Mifflin Company, 1912.

This little volume is a sane and scientific treatment of the family. Its wide reading would serve admirably to counteract the alarmist views so prevalent in our day regarding the subject. It is neither comprehensive nor adequate as a treatment of the subject for the student who desires to obtain a thorough-going knowledge, but for the laymen, for whom essentially it is written, it is sufficient to demonstrate that the family is a fundamental social institution, and while subject to certain changes in ideals because of modern conditions, is in no danger whatever of being seriously affected. One finishes the reading of these pages with a wholesome optimism in regard to the future of the family.

DEPLOIGE, S. *Le Conflit de la Morale et de la Sociologie* (2d ed.). Pp. xvi, 424. Price, 7.50 fr. Paris: F. Alcan, 1912.

DEWEY, D. R. *Financial History of the United States*. Pp. xxxvii, 544. Price, \$2.00. New York: Longmans, Green & Co., 1912.

The cordial reception with which earlier editions of this standard work were received is in itself sufficient evidence of its value. This edition is the fourth revision the third one having appeared in 1907. A chapter entitled "Financiering under Expansion" has been added to bring the narrative down to date. One of the most valuable features of the volume is "Suggestions for Students, Teachers and Readers" and this has been made even more helpful by the addition of new titles and references.

DILLA, HARRIETTE M. *The Politics of Michigan*. Pp. 258. New York: Longmans, Green & Co., 1912.

The work traces faithfully national political issues within the state in so far as their fortunes can be arrived at from a study of the *Congressional Globe*, party conventions and platforms, election statistics, news items and editorial opinions. Party leaders stand out clearly in their relation to these issues. State issues are carefully, though briefly, treated. The student of state politics will not find an adequate or unified treatment of state history, but he will find much helpful work critically done, an advantage not afforded by most other histories of the state. For the most part citations to sources are adequate. Occasionally, statements are found without indication of sources. Three or four newspapers are sometimes regarded as representative of the Democratic party, and the *Detroit Free Press* is cited to prove a statement made of the entire party. The bibliography seems to have stated the available sources and to have indicated their value for the matter in hand.

DOTY, ALVAH H. *The Mosquito, Its Relation to Disease and Its Extermination.* Pp. 79. New York: D. Appleton & Co., 1912.

The author has rendered a real service to the public health movement by the popularizing of the scientific knowledge of the means of transmitting malaria and yellow fever through the bite of the mosquito. As long as these little pests were regarded merely as sources of discomfort and annoyance they could be endured but now that they are known to be disease carriers, they must be destroyed. This little volume by its identification of the dangerous varieties and its explanation of the means of their extermination has revealed clearly our social responsibility. The elimination of these infectious diseases is now a public duty.

FAGAN, JAMES O. *The Autobiography of an Individualist.* Pp. 290. Price, \$1.25. Boston: Houghton, Mifflin Company, 1912.

Despite the title, this book is in large part a discussion of railroad problems. Starting with his autobiography, the author devotes three chapters to his exciting experiences in Scotland, South America and Africa. He then leaves his plot and devotes the rest of the book to criticism of present tendencies in industrial management. Much of the material used has been drawn from previous writings of the author.

After severely criticising present conditions, the conclusion is reached that only through individualism and the removal of all artificial restraint will improvement be secured. The labor unions in particular are sharply criticised. They are accused of forcing the workingman to sink his industrial personality and become a mere automaton. The union is the main opponent of efficiency, says the author. Regulation of labor organizations is ardently advocated. Democracy must "quietly but firmly place a restraining hand on all organized labor, and in so doing it will give millions of other toilers a greater measure of social and industrial justice."

Though no attempt at scientific treatment is made, the book is readable and throws an interesting light on many present-day problems.

FLOY, HENRY. *Valuation of Public Utility Properties.* Pp. viii, 390. Price, \$5.00. New York: McGraw-Hill Book Company, 1912.

FOELSKE, H. E. *The Practice of Democracy—Socialism vs. Individualism.* Pp. 73. Milwaukee: C. N. Caspar Company, 1912.

HIGBY, C. D. *The Government of Pennsylvania and the Nation.* Pp. vi, 266. Price, 70 cents. Boston: D. C. Heath & Co., 1912.

The author's aim, as set forth in the preface, to place before the students in our schools a description of the whole of our government—the part conducted by the state, and the part administered by the nation—has been realized in the completion of this little book on "The Government of Pennsylvania and the Nation." The first part of the book takes up the local districts, counties and cities of Pennsylvania, the powers and duties of each officer thereunder being clearly defined. The next few chapters deal primarily with the state, and its legislative, executive and judicial departments. The remainder of the work is devoted to the national government, and this part lacks none of the illuminat-



ing information characteristic of the preceding portions. In the appendix are the constitutions of Pennsylvania and the United States.

KEITH, A. B. *Responsible Government in the Dominions*. Pp. lxxiv, 1670. Price, \$12.75. New York: Oxford University Press, 1912.

LOWRY, E. B., and LAMBERT, R. J. *Himself*. Pp. 216. Price, \$1.00. Chicago: Forbes & Co., 1912.

This is an admirable presentation. The advocate or teacher of sex hygiene could find no more serviceable summary of vital facts. The reading of such a book could not but lead to a higher practical morality.

MARTIN, G. W. (Ed.). *Collections of Kansas State Historical Society, 1911-12*. 12th vol. Pp. xxxii, 569. Topeka: State Printing Office, 1912.

MORSE, EDWIN W. *Causes and Effects in American History*. Pp. xxvi, 302. Price, \$1.25. New York: Charles Scribner's Sons, 1912.

To tell "the story of the origin and development of the nation" in two hundred and ninety small octavo pages is Mr. Morse's task. He believes that details have obscured our history and that the important thing is to bring "economic and intellectual influences" into sharp relief. Emphasis is placed not on political evolution, but upon the important parts which intellectual and religious freedom, industrial and commercial activity and even literature and the fine arts have played in shaping the life of the people. For a book which is evidently intended for readers interested primarily in problems of the present day the devotion of one-half the space to the period before 1812 seems unfortunate. The chapters are interestingly written but of necessity are little more than snap-shots of phases of our national life.

MYERS, A. C. (Ed.). *Narratives of Early Pennsylvania, West New Jersey and Delaware, 1630-1707*. Pp. xiv, 476. Price, \$3.00. New York: Chas. Scribner's Sons, 1912.

OGBURN, WM. F. *Progress and Uniformity in Child Labor Legislation*. Pp. 215. New York: Longmans, Green & Co., 1912.

This is an interesting attempt to apply statistical methods to the field of comparative legislation. The author states that "the results of this inquiry are of importance to sociology in showing the possibilities of measuring social pressure by standard deviations and of interpreting their significance" (p. 23). "It is hoped that this subject will be of practical value, especially to legislators, who it is believed, can better frame their laws on child labor after a thorough knowledge of the status of child labor laws in the various states" (p. 18). The child labor laws from 1879-1909 are studied. Occupations, exemptions, age limits, hours of labor, educational requirements, working papers, and penalties and inspection are the headings under which the subject is treated. The ninety tables add much to the value of the text. The author decides from his historical study that there has been great progress in the past thirty years, especially in the raising of the age limit at which children may start work and the notable decrease in the number of hours that they are permitted to work. As a study in a new method of presenting social material, the work is of real value. It is almost impossible to keep the

material sufficiently up-to-date, to make it of use to legislators. This study does not attempt to analyze the laws passed during the last three years.

PARTRIDGE, G. E. *The Genetic Philosophy of Education*. Pp. xv, 401. Price, \$1.50. New York: Sturgis and Walton Company, 1912.

This book is a restatement of the views of President G. Stanley Hall, whose writings are in too scattered a form to be available to the general reader. It is a valuable addition to the literature of social psychology and education, written so clearly and simply that anyone can understand it. A real want is thus supplied in a way that can be heartily recommended. Dr. Hall is too important a man to be overlooked by workers in social science or education. Genetic education and dynamic economics are after all but two views of the same current changes.

PRATT, SERENO S. *The Work of Wall Street*. Pp. xxi, 440. Price, \$1.75. New York: D. Appleton & Co., 1912.

This is a revision of the work published in 1903. Much old matter has been omitted and a considerable amount of new material inserted which considerably increases the size of the volume. Several entirely new chapters have been added and the report of the Hughes Commission has been added as an appendix. In all particulars the book has been thoroughly revised and brought down to date.

THE PRINCESS. *Traveller's Tales*. Pp. xii, 296. Price, \$2.00. New York: G. P. Putnam's Sons, 1912.

These "Traveller's Tales" are given in a series of letters by an American woman, telling of her journeyings in Belgium, Germany, England, Scotland and Wales. They are charmingly written with a noticeable lack of the mere long descriptions that usually characterize books of travel. Besides having a cultured mind well versed in the art, literature and history of the countries, she had, perhaps because of this, a deep appreciation of the meaning of what she saw and an understanding of the people. The book abounds in many stories and legends that make history live again.

Although the letters are in a way delightfully personal, they are hardly intimate enough to be addressed to a "Dearest Beloved" nor do "Your Most Devoted Princess" and other fanciful terms quite agree with the idea of the writer we get from the letters. The tales would have been better simply as accounts of her travels rather than as letters which too evidently were never written as such but are only a form of literary expression.

ROLLINS, MONTGOMERY. *Tables of Bond Values* (19th ed.). Boston: The Author, 1912.

ROSENAU, M. J. *The Milk Question*. Pp. xiv, 309. Price, \$2.00. Boston: Houghton, Mifflin Company, 1912.

Among all modern problems few possess more various relations than the milk question. Dr. Rosenau has compiled the eight Harris Lectures delivered at Northwestern University so as to make a most satisfactory discussion of the milk question in its sanitary, chemical, dietetic, legal, hygienic, economic and social aspects. He has maintained an attitude of utmost fairness toward the farmer, the middleman, and the consumer. With broad vision he has presented a masterly, sane, constructive program for the solution of the various questions



connected with the main theme. The book is rich in facts, strong in demonstrations, and able in rational discussion. The final solution of the milk problem requires in his estimation the mutual cooperation of the farmer, the consumer, the middleman, the health officer, the transportation agent and the legislator. His views regarding pasteurization deserve particular attention at this time when pasteurized milk is receiving constant discussion. Inasmuch as the definition of pasteurization lacks completeness and misconceptions and confusion are rife, he advocates that all pasteurized milk should be properly labeled with a degree of heat, a period of time, and the date on which it was subjected to the process. He is an advocate of pasteurization and regards this as one part of the solution of the problem. In his estimation pasteurization makes no change in either the nourishment or the digestibility of the milk, but he does not believe that the process should be utilized for the purpose of milk preservation or for the purpose of redeeming dirty milk.

For the purpose of securing clean milk, inspection of the farm, the dairy, the transportation and places of retail sale are essential. To render milk safe from diseases, as tuberculosis, typhoid fever, diphtheria and the like, pasteurization is essential. The full solution of the milk question, therefore, requires inspection, supervision and pasteurization.

ROSS, E. A. *Changing America*. Pp. 236. Price, \$1.20. New York: Century Company, 1912.

This volume is made up of a series of addresses and articles interpretative of various phases of contemporary life. The last four chapters, on The Middle West, appeared in the *Century*. These afford a telling picture of the race stuff of which the middle west is made, of its democratic tendencies, its educational growth, its social and its cultural qualities. The earlier chapters are miscellaneous, ranging from such general themes as The Outlook for Plain Folk and The World-Wide Advance of Democracy to such specific topics as Women in Industry and The Increase of Divorce. All show the keenness of observation, the facility of expression and the aphoristic quality characteristic of Professor Ross's style and method.

SHELTON, W. A. *The Lakes-to-the-Gulf Deep Waterway*. Pp. x, 133. Chicago: University of Chicago Press, 1912.

The promoters of a new railroad, in order to secure capital from judicious investors, are compelled to furnish evidence of a prospective traffic sufficient to make the proposed enterprise a paying investment. Mr. Shelton's monograph is a challenge to the "promoters" of the Lakes-to-the-Gulf Deep Waterway to give similar proof that the investment of a large amount of public funds in their transportation scheme would be justified. A study of the statistics of the present traffic on the Mississippi River, of existing rail and water rates, and of the difficulties of navigation that would be encountered in the proposed waterway, lead him to the conclusion that from the standpoint of traffic at least, the enterprise would be a colossal failure.

SPEER, ROBERT E. *South American Problems*. Pp. xi, 270. Price, 75 cents. New York: Student Volunteer Movement, 1912.

Mr. Speer deals not with the political and economic problems of the southern

continent but, except in two brief introductory chapters, with problems of education and religion; in fact all but three chapters are devoted to a criticism of the policies of the Roman Catholic Church. The author holds the Church responsible for all South American shortcomings "by virtue of its claim of South America as a Roman Catholic continent" (p. 169). Protestant and Catholic churches in North America would not welcome the application of a similar test.

STODDART, W. H. B. *The Mind and Its Disorders* (2d Ed.). Pp. xvi, 518. Price, \$4.00. Philadelphia: P. Blakiston's Sons, 1912.

A neurological work well adapted to inform social workers interested in the care and treatment of the insane.

TODD, MABEL L. *Tripoli, the Mysterious*. Pp. xv, 214. Price, \$2.00. Boston: Small, Maynard & Co., 1912.

Because of the Turko-Italian war the subject Tripoli is timely. The conflict plays no important part in the book though the introduction gives a description of the first clash of arms. Mrs. Todd's object is rather to let us see how Tripoli lives and how it impresses the chance visitor. A touch of history is given in the chapter discussing our conflict with the Barbary powers in the early nineteenth century, but the chief attention is given to affairs of the present day. The country's inhabitants of many colors, the primitive occupations and more primitive schools, the consulates of the foreign powers, the ruins of the Roman occupation, the recent solar eclipses, the lives of the Tripolitan women, are all passed in review. The most interesting chapters of the book describe two Mohammedan weddings and a Jewish-Arab wedding, all marked by curious formalist ceremonies. No attempt is made to write a scientific treatise, but one who reads this book will find it an engaging account of the obvious features of north African life.

VERHOEFF, MARY. *The Kentucky Mountains—Transportation and Commerce, 1750-1911*. Pp. xiii, 208. Price, \$5.00. Louisville: John P. Morton & Co., Ltd.

WHETHAM, W. C. D., and C. D. *An Introduction to Eugenics*. Pp. viii, 66. Price, 35 cents. New York: Macmillan Company, 1912.

This little volume is calculated better to create popular interest in the subject of Eugenics than to serve as a scientific introduction. The first chapter is devoted to a brief history of the Eugenics movement with particular reference to the work of Galton and Mendel. Chapter two is devoted to a discussion of Racial Qualities which are most easily susceptible of examination in the light of modern theories of heredity, such as susceptibility to disease, the inheritance of mental defects and of ability. Methods and materials of research are treated in the third chapter with a brief discussion of results obtained. Chapter four, on The Construction of Society, lays special emphasis upon the biological element in the history of mankind and upon the effects of environment as a selective agency.

For readers unfamiliar with the material of the science there is much to stimulate interest and to create a desire for further inquiry. For those already interested the treatment will seem fragmentary and disconnected. The bibliography contained in the appendix is utterly insufficient to give any adequate knowledge of sources.



WHITIN, E. STAGG. *Penal Servitude*. Pp. xi, 162. Price, \$1.50. New York: National Committee on Prison Labor, 1912.

In this book the author has popularized the findings of the National Committee on Prison Labor. A report which would otherwise be read only by a narrow circle of specialists is thus made interesting and accessible to a wide group of readers. It is illustrated with photographs of prisons and of prison labor under a variety of conditions.

The material is organized in seven parts or general divisions as follows: I. The Economic Problem; II. The Political Problem; III. The Institution; IV. Employment; V. The Market; VI. The Educational Problems; VII. Methods of Reform.

The justification of the resolution of the committee "declaring itself opposed to the contract system of prison labor and to every other system which exploits his labor to the detriment of the prisoner" is shown by vivid pictures of conditions wherever exploiting systems exist. The reader is not wearied by citations of figures but is permitted to hear conversations and look into the institutions. It is an intensely human presentation. One is impressed as he reads with the lack of foresight and of genuine concern in the welfare of the prisoners. Even former prison reforms were directed chiefly toward the improvement of physical conditions. It is to the problems involved in "Penal Servitude," "the last surviving vestige of the old slave system" and its dehumanizing effects upon these unfortunate wards of the state, that the contents of the book is devoted and its message is indeed a valuable one.

WIHL, OSCAR M. *Electoral Reform*. Pp. 32. Price, 6d. London: P. S. King & Son, 1912.

WILCOX, D. F. *Government by All the People*. Pp. xi, 324. Price, \$1.50. New York: Macmillan Company, 1912.

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## REVIEWS

BRAITHWAITE, WILLIAM C. *The Beginnings of Quakerism*. Pp. xlv, 542. Price, \$4.00. New York: Macmillan Company, 1912.

This volume is one of a comprehensive series on the origin and growth of Quakerism, under the general editorship of Dr. Rufus M. Jones. After a penetrating introduction on the Quaker type of mystical religion, contributed by the general editor, the author opens his work with chapters on the Puritan Revolution and the early life of George Fox. The body of the book carries the history from the pioneer work of 1649 to the close of the Restoration year, 1660. Other volumes are announced to continue the relation.

There have been some good brief sketches of early Quakerism written recently, but the only work comparable to the present volume both in quality and comprehensiveness is that by William Sewell, published in Dutch in 1717 and in English five years later. Sewell's history was carefully compiled and is still useful. The advantages of Braithwaite's volume over it are the following: Somewhat more space than Sewell gave to the same period; a nearer freedom

from sectarian bias; a better perspective of Quaker and other history and hence a better background and truer proportions; a much fuller collection of source materials as a basis; the modern mechanical make-up of reference notes, bibliography, a full index, and helpful maps.

The bibliography should be fuller than it is. It contains a good description of manuscript materials but no description or classification of the vast amount of printed matter.

For the most part the author seems to have maintained a good degree of critical impartiality. If, however, his judgments of the fanatical outbreaks among early Friends seem almost too charitable at times, he at least gives frankly the necessary facts for the formation by the reader of an independent judgment. The wonder will grow upon most readers that this zealous movement, constantly bordering at the first on hysteria, should yet have developed the ballast needful to steady it at length and bring it to a great mission.

Another interesting fact is that George Fox, the founder, discovered great religious groups already prepared for his message and that many of them came bodily into the new Quaker movement. It is well known that the Commonwealth period in England was a swarming time for mystical sects, yet few have realized the wholesale way in which the early Quaker leaders gathered in these swarms. As a somewhat similar process took place in the American colonies it would seem that Friends have been successful largely as a "convincing" rather than as an "evangelizing" body. In the early days they reached people who were already intensely religious and merely won them to a certain type of religious thought. Perhaps this accounts partially for their decline in numbers when sectarian lines became more stable.

This volume is a real addition to the literature of religious history. It would seem to justify George Fox's prediction in his testamentary papers that "all the passages and travels and sufferings of Friends in the beginning of the spreading of Truth, which I have kept together, will make a fine history."

R. W. KELSEY.

Haverford, Pa.,

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BRYCE, JAMES. *South America, Observations and Impressions*. Pp. 611. Price, \$2.50. New York: Macmillan Company, 1912.

The announcement that Mr. Bryce was writing a book on South America aroused the keenest interest amongst students of Latin-American affairs. The breadth of view and depth of insight with which he has treated questions of political and historical interest gave assurance that this would be a notable work. This expectation has been in large measure justified, although one cannot but feel some disappointment that the author has devoted so much of the volume to descriptive matter such as is to be found in so many books of travel dealing with South America. The first eleven chapters are of this nature. The concluding chapters dealing with The Rise of New Nations, The Relations of Races in South America, The Two Americas, and the Relation of South America to Europe, The Conditions of Political Life in Spanish-American Republics and Some Reflections and Forecasts are the really notable chapters of the work. The fact that in



a trip of four months the author was able to secure so thorough a grasp of Latin-American conditions is a tribute to his remarkable powers of observation.

Throughout the work the author takes a healthily optimistic view of the future of these republics. He does not close his eyes to the serious racial problems that confront them, and has no hesitancy in emphasizing their lack of preparation for democratic government. Mr. Bryce is one of the few writers on Latin-American affairs who has emphasized the influence of environmental conditions as distinct from racial antecedents. He shows that the distinction between Teutonic and Latin, which is usually used as a means of explaining the lack of capacity of the people of the Latin-American countries for self-government, has little or no meaning, and in reality furnishes no explanation of their present condition. No opportunity is lost to impress upon the reader the necessity of studying the colonial development of the Latin-American peoples and their history since emancipation to understand their present condition rather than to depend upon generalizations as to racial traits. Only through such a study can we hope to secure any real comprehension of the present conditions and possibilities of the people of these countries.

The author also points out the danger of attempting generalizations applicable to Latin-America as a whole. He shows clearly how diverse the national types are, and that these diversities are likely to increase rather than diminish. Each country demands separate treatment in much the same way as we would give separate treatment to Spain, Italy and France in dealing with any of the Latin peoples of Europe.

L. S. ROWE.

*University of Pennsylvania.*

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*Carola Woerishoffer, Her Life and Work.* Bryn Mawr, Pa.: By the Class of 1907, Bryn Mawr College, 1912.

This little volume is a document of extraordinary human interest. It is the story, briefly told, of a young woman, rich, able, vigorous, a Bryn Mawr graduate, who, without the slightest consciousness of heroism, much less of martyrdom, literally gave her life for the cause of social justice. Brought up in an environment that was charged with the spirit of service and under the spell of family traditions of courageous achievement and fearless independence, Carola Woerishoffer was doubtless prepared in an unusual manner for the life she lived, but those who knew her well could never think of her merely as the product of outside forces. One of her distinguishing characteristics was her independence of conventionality. She abhorred sham. In everything she sought reality and she claimed the right to form her own opinions. In an unpretentious way and yet with firm resolution, she seems early to have formed the purpose of taking a share in the work of advancing the cause of the wage-workers. In college her courses were chosen with this purpose in view. Gifted with a keen mind, abounding health, and a zest for living, she threw herself with eagerness into whatever she undertook, whether it was study, athletics (in which she excelled), or later, social investigation.

Graduating from Bryn Mawr in 1907, Miss Woerishoffer offered herself to Greenwich House, a social settlement on the lower west side of New York. She came, she said, "to learn and to help." Rich as she was, she would have scorned the thought of obtaining recognition because of her wealth. She did not seek a prominent place in social work. She wanted to know conditions at first hand and then to find the place where she could make her life tell for the largest usefulness. It was this spirit that led her to work for thirteen weeks during a hot summer as an unskilled hand in public laundries. When it came to practical measures for the improvement of social conditions, her interest lay with those efforts that were aimed at causes, or that prepared the way for dealing radically with conditions. It was this that influenced her to come to the rescue of the Congestion Exhibit, when its success was imperilled by lack of funds. Her faith in trade unionism and her passion for justice were manifested when, during the shirtwaist makers' strike in New York she met the need of adequate real estate security for bail bonds, in order to prevent the commitment of hundreds of young girls to jail for indefinite periods. But she valued wealth only as a means of service. We are told that her joy was great when she was appointed to a position as investigator in the State Bureau of Industries and Immigration, at a salary of \$1,200. At last "she was worth something in her own right!"

It was while investigating labor camps in her official capacity that Miss Woerishoffer lost her life. Fatigued by days of strenuous work, she was driving her car along a slippery road, when the wheels skidded and the car went over an embankment. The next morning she died from the injuries she had received. The chief of the bureau, referring in her annual report to the work of this heroic young woman, says: "The state has had no enrolled soldier who has given his life more utterly in the field of battle than she in the cause in which she believed."

The little book under review is a collection of articles, including editorials from prominent journals and an account of Miss Woerishoffer's life published in the *American Magazine* by Ida Tarbell, together with addresses delivered at a memorial meeting at Greenwich House. It is published by the members of Miss Woerishoffer's class at Bryn Mawr. It would be well if this book could have a wider reading than is likely to be the case because of the manner of its publication. It is the story of a life which expressed what Miss Tarbell calls the Revolt of the Young Rich—"a questioning of the fortunes laid in their hands, a resentment at the chance for a life-fight of their own taken away, rising passion of pain and indignation at meaningless inequalities and sufferings." If it could be read by many young persons looking out upon life at the threshold of their careers it would help to give meaning and direction to the part they are to play.

GAYLORD S. WHITE.

*New York.*

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CLEVELAND, F. A., and POWELL, F. W. *Railroad Finance*. Pp. xv, 463. New York: D. Appleton & Co., 1912.

This book describes the method of financing railroads in the United States. The historic side of railway promotion and capitalization is ably and interestingly evolved in the first two chapters. The various aspects of financing are then



treated: finances of construction, equipment, maintenance and additions and betterments, operation, and management. Two chapters are devoted to the management and distribution of the surplus, and accounts and statistics. The remaining chapters deal with insolvency, receivership, reorganization, consolidation and over-capitalization.

The book is replete with illustrations of actual transactions. The chapter devoted to the accounting aspect of railroad finance contains the recent rulings of the Interstate Commerce Commission regarding the handling of the various accounts. This chapter would be more nearly complete and of more value to the investor and student, if it were explained how to read the balance sheet and the income accounts, and if illustrations of its application were inserted. The narration of abuses and extreme variations in the accounting systems and methods of the railroads in their earlier history is particularly interesting compared with the uniformity now practiced as required by law.

A splendid treatment of over-capitalization is given in the last chapter. Considerable has been written of the gross over-capitalization of the railroads, particularly in the early stages of railway development, but the authors probably state it correctly when they say: "The common experience has been to have inadequate capital for conducting and developing the business of transportation." There is undoubtedly but little, if any, stockwatering in the issue of new capital by the railroads at the present time, but in the past there was much. The authors explain the many ways by which it was accomplished. So many schemes were devised to meet varying conditions and circumstances that one cannot but admire the ingenuity of the early railroad financiers. At the close of the book an excellent bibliography of the subject is given.

No original theories or new ideas are promulgated in this book. It is rather a compilation of material with the non-essentials and the superfluous omitted. As a text book for college use it is excellent and those interested in corporation and railroad finance will find it profitable reading.

FRANK HENRY SCHRENK.

*University of Pennsylvania.*

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CUTTING, R. FULTON. *The Church and Society*. Pp. ix, 225. Price, \$1.25. New York: Macmillan Company, 1912.

There is an excellent quotation in this book, which it is worth everyone's while to ponder on. "We hear much said," it goes, "about consistency of thought. In my opinion it is a monstrous humbug to call it a moral virtue, because all social progress is the result of changes of opinion." It seems to me the quotation correctly delineates two classes of people who are found to-day in our churches. The one class, to maintain consistency, are gripping on to old and worn-out doctrines and ideas the propagation of which in present society has no place. Then there is a class who are dropping the old ideas as useless or not adapted to the present and are trying to find in what way they can most fully embody the spiritual and ethical ideals of Christianity in present-day civilization. One of the most significant movements among our churches is the awakening of interest in social affairs. Many churches are beginning to grope around for a means to help

solve the problems of vice, corruption, child welfare, and the like. The present book, which embodies the Kennedy Lectures for 1912 in the New York School of Philanthropy, is an attempt to show how the Church can be, and is being, a force in social uplift. Mr. Cutting, after outlining Christianity's contributions to civilization, takes up in turn its relation to the public school, the police, the public health, the children and its possible influence in the formulation of public opinion. The book shows what has been done by churches in helping to solve these problems in some localities, and points the way in which other churches can accomplish the same results. He shows with great force that the situation is pregnant with possibilities for our churches. Their methods must be that of active and sympathetic cooperation with present agencies after a careful and dispassionate study of the facts. Put in Mr. Cutting's own words: "The Church with her vast opportunities for education has a major duty to fulfil. When she comes to appreciate that there are seasons when it is more Christian to use mothers' meetings for instruction in the care of infants than for expounding justification by faith, that Big Brothers may often be better church builders than 'child evangelists' and that 'pleasant Sunday evenings' for children may make more Christians than the study of catechisms, she will interpret 'suffer little children to come unto me' in 'our own tongue wherein we were born.'" The latter part of the book is devoted to a list of cases in which churches have actually contributed to the solution of social problems. The book as a whole, and this latter part in particular, will be an invaluable aid to any church organization or church worker who is interested in taking part in social welfare work.

BRUCE D. MUGGETT.

*University of Pennsylvania.*

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ELLIS, HAVELOCK. *The Task of Social Hygiene*. Pp. xv, 414. Boston: Houghton, Mifflin Company, 1912.

This latest book by Havelock Ellis adds another volume to the interesting literature that is to-day appearing on the subject of eugenics. To no small degree the importance of the book lies in the bringing into strong relief of the contrast between two distinct points of views,—that of eugenics with that of eutherics, or the relative importance of heredity and environment. If for no other reason the book is valuable for sanely recognizing a distinct and legitimate field of study for each of these sciences. Although temperate in his attitude toward each science, Ellis takes the position that in the evolution of a method in social hygiene, emphasis has been laid in turn upon sanitation, upon factory legislation and upon education, all of which in themselves have been incomplete; and that we are now forced to take up the final link in the series, puericulture, or, as it has lately been called, eugenics.

The first and last chapters in the book are among the very best, for they bring out this contrast excellently. Social hygiene is here held to include the study of both environment and heredity. The two chapters dealing with *The War against War* and *The Problem of an International Language* have, at best, only a very indirect connection with the subject of social hygiene, and it may well be wondered why they were included in the present book. Even less



connection does there seem to be between chapter vii on Religion and the Child and the new science of heredity which he wants to emphasize. Taken by itself the chapter is one of the most scathing and fundamental criticisms yet written on the education of the child before the age of puberty. The chapter on The Significance of a Falling Birth Rate is thoroughly representative of the modern viewpoint that quality is of more importance than quantity, and contains within the small space of sixty pages one of the best discussions that have appeared on the subject. It is one of the best things in the book.

The book should be in the library of anyone who wants to know the latest word in the great controversy of modern times concerning the relative influence of heredity and environment.

BRUCE D. MUDGETT.

*University of Pennsylvania.*

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FLEMING, W. L. *General W. T. Sherman as College President.* Pp. 399. Price, \$5.00. Cleveland: Arthur H. Clark Company, 1912.

The reputation of General William Tecumseh Sherman cannot but be enhanced by the intimate revelation of himself contained in these letters, for, although written at a time when even prophecy of his future greatness was impossible, they still show the same character and convictions which appear to the present generation through his official reports and personal correspondence as general. He is the ideal superintendent of the new Louisiana State Military School, a tremendously hard worker, coolly intellectual, calm and dignified, stern in discipline, ever ready to repress insurrection among the cadets in any form, but a fair friend to all. When he leaves his post to side with the North in the great sectional struggle, the state officials of Louisiana treat him with every courtesy and pay him the highest compliments for the efficiency of his services to the state. In politics he is neutral, perhaps even slightly favoring the South on the slavery issue, so long as the overt act of secession has not been committed. He is sorry that his brother, John Sherman, as a member of Congress, had signed his name in approval of the famous "Helper" book, he begs him to renounce the irrepressible conflict ideas, and recommends concessions to the border states; although mildly suggesting some amelioration of the conditions of slavery in Louisiana, he still in general openly sympathizes with the southern position on this question. But secession introduces into the problem the new elements of lawlessness and anarchy, which to Sherman constitute a challenge to organized government to defend itself, and in the face of such a challenge he instinctively chooses the side of government. The spirit of disorder in 1860 was to Sherman the most portentous sign on the political horizon.

This reflects the attitude of the strictly military man, unbiased by politics. Although he visited Ohio during the exciting political contest of 1860, Sherman took no part in politics, refused to vote, and in general often expressed his distrust of the political leaders of the land.

Students of economic conditions will be interested in a statement of Braxton Bragg, in a letter to Sherman (p. 80), that the net profits of the former's plantation for 1859 were \$30,000 on a total investment of \$145,000.

*Yale University.*

EMERSON D. FITE.

GERSON, V., and DEARDORFF, NEVA R. *Studies in the History of English Commerce in the Tudor Period*. Pp. xi, 344. New York: D. Appleton & Co., 1912.

The three studies in this volume are doctoral dissertations by students in the University of Pennsylvania. Two essays are concerned with the Muscovy Company: "The Organization and Early History of the Muscovy Company," by Dr. Gerson; "English Trading Expeditions into Asia under the Authority of the Muscovy Company (1557-1581)," by Dr. Vaughn. The third study is devoted to the Eastland Company; "English Trade in the Baltic during the Reign of Elizabeth," by Dr. Neva Ruth Deardorff. Research extended in each case to the English archives, but the records of the Muscovy Company were destroyed by the great fire of London and there are apparently few Mss. of substantial value that have not been printed. Miss Deardorff brings to her study new material from the Record Office which furnishes a complete account of negotiations by agents of the Eastland Company for trading rights at Elbing.

Dr. Gerson's study of the Muscovy Company is necessarily based on documents that have been in print for some years, so that there is little that is new in his narrative. In discussion, he raises the question of the proper classification of the company, and here further qualification is necessary. Evidence is adduced to support the contention that the company was really a joint-stock and not a regulated company. But Dr. Gerson considers only the organization of trade, and fails to recognize that conditions of admission to membership were equally, if not more, important. The organization of the company clearly involved some anomalies, and, in practice, it presented some features of each type so that no classification can be entirely satisfactory.

Dr. Vaughn has furnished an interesting and thoughtful account of the vain attempts to establish trade with Persia by way of Russia.

The study of the Eastland trade by Miss Deardorff is perhaps the most significant, as it deals with the reorganization of the Baltic trade. The character of the Baltic trade, the formation of the Eastland Company, and the establishment at Elbing are her topics. The treatment is suggestive throughout and adds an interesting chapter to the general history of the Baltic trade.

ABBOTT PAYSON USHER.

*Cornell University.*

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GRICE, J. WATSON. *National and Local Finance*. Pp. xxiv, 404. Price, 10s. 6d. London: P. S. King & Son.

Struggles over financial control have always been the center of the long-continued contests for popular government, but the control over the details of expenditure is a problem the importance of which is often overlooked. Even if the general machinery of appropriations is controlled by the people, true popular government is not attained if the representatives are not able to exercise an effective check on extravagance and a rational direction of the lines in which the money appropriated shall be expended. Increasingly important too are the problems of financial control in their relation to local government. The growth of social experiments in the smaller units has given local finance an importance far beyond what it has ever had before. How to insure that the proper balance shall be



found between central and local governmental activities and how to exercise supervision of local finances without limiting too greatly local independence and initiative are capital though often unappreciated problems of modern nations. Mr. Grice gives us a review of the expedients adopted in England, France, Belgium and Prussia with the object of placing at our command the lessons of the experience through which these countries have passed.

France, Germany and Belgium have adopted what the author describes as the bureaucratic system by which local administration is chiefly in the hands of specialists responsible to the various executive departments of the central government. The local representative councils have narrowly limited functions and their interference with administration is exceptional. At the other extreme stands the United States where cities are, broadly speaking, autonomous in financial matters except as bound by constitutional limitations on debt. There is here no administrative hierarchy, no national or even state system in control of education, sanitation and communication. The result the author believes is "the anarchy of local autonomy,"

England, since 1833, has followed a compromise policy. This has developed through the "grant in aid" which introduced the principle of supervision from above by inducement rather than by mandatory law. The author is apparently not aware that the use of this legislative expedient has already made marked progress in the United States under the various forms of "state aid" familiar to Americans. English experience, he maintains, shows this policy only partially successful and demonstrates the advantage of further extension of administrative supervision to insure that the amount of aid given shall be proportioned to the degree of efficiency obtained.

The author gives in the latter part of the book a discussion of the practice of dividing governmental services into two classes "beneficial" and "onerous." He shows how this theoretically perfect adjustment is confronted by great practical difficulties since almost no service falls exclusively within one class and therefore the degree of central supervision justified becomes a matter of degree only, depending upon the peculiar circumstances of the individual case.

The complex nature of Mr. Grice's subject matter makes his book hard reading. In addition there are occasional digressions into details and comparisons which destroy clearness of perspective but an understanding of the material discussed is so essential to good government that students of economics and politics will find this important book an unusual mine of needed information.

CHESTER LLOYD JONES.

*University of Wisconsin.*

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HYDE, GRANT M. *Newspaper Reporting and Correspondence*. Pp. xi, 338. Price, \$1.50. New York: D. Appleton & Co., 1912.

The author devotes his 338 pages almost exclusively to what is known in the newspaper world as "the story"—more particularly, to the "writing-up" of the material gathered by the reporter on his "beat" or "assignment." Only one short chapter is given to Gathering the News, the author evidently being of the belief that "a nose for news" is either present as a natural endowment "or

affliction'' or can best be acquired by exercise. This gives his book at once a class-room air and something of the appearance of a considerable to-do about a small matter. One might think with some reason that a sharp young person with the disposition to do newspaper work might be relied upon to pick up the technique of writing out his material just as the author thinks he may be relied upon to learn the technique of news-gathering. But Mr. Hyde is evidently of another opinion, and as a result he has written in all, seventeen chapters, with two appendices, mainly concerning themselves with "stories," reports of speeches, court news, interviews, etc. He carries out his plan with great particularity and presents his studies and suggestions with force and clarity. The great short-coming of the book, however, is that, while it proceeds from a seat of learning and authority of the highest rank, it scarcely says ten words either to offset what is deplorable (if not worse) in our newspaper methods, or, at least, to bring them under criticism. It contains next to nothing to promote in the student intelligent self-assertion; its standards of fitness are the standards of fitness in newspaper practice at the moment, both ethical and theoretical. This is scarcely teaching; it is mere marking time.

And throughout the 338 pages, not a single helpful word about first principles! In newspaperdom first principles (and last principles) are circulation, because without the honey of circulation the advertising fly is not to be caught. In that, and back of it, lies nine-tenths of the technique of newspaper-work. Mr. Hyde does not bring it out; and leaving it hidden, he leaves real help out of his book. Still it is only fair to re-affirm that what he does do by way of academically discussing the practice of the moment, he does well and painstakingly.

T. D. O'BOLGER.

*University of Pennsylvania.*

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LEUBA, JAMES H. *A Psychological Study of Religion*. Pp. xiv, 371. Price, \$2.00. New York: Macmillan Company, 1912.

This psychology of religious life strives to reach "what is fundamental and essential *in human nature*" (p. ix). Religion is defined in the following way: "What belong exclusively to religion are not the impulses, the desires, and yearnings . . . but merely the conceptions themselves" (p. 8). "If the terms 'superhuman' and 'supernatural' have any relevancy in religion, it is merely with reference to the gods and their action on man, should they have an existence outside the mind of the believer" (p. 9). "Religion begins when the mystery has been given some solution, naïve or critical, making possible practical relations with the 'ultimate.' . . . If men have 'lived by religion,' it is not because they have recognized the mystery, but rather because they have, in their uncritical purposive way, transcended the mystery, and have posited a solution of which they were able to make practical use" (p. 28). Thus, the author seems to find the value of religion to humanity not in its emotional inspirations, nor yet in its influence upon behavior, but in what is really a philosophy of the mysterious, though recognizing that, "the reason for the existence of religion is not the objective truth of its conceptions, but its biological value" (p. 53). No



doubt it has a biological value, if we admit with him, that the "religious life . . . includes the whole man" (p. 52); that "in its objective aspects, active religion consists . . . of attitudes, practices, rites, ceremonies, institutions; in its subjective aspect, it consists of desires, emotions, and ideas, instigating and accompanying these objective manifestations." If this is not the whole man, the remainder is a negligible quantity.

There is an attempt to show that magic and religion are entirely separate, neither developing out of the other; "religion is social and beneficial; magic is dominantly individual and often evil" (p. 176). Of course if the definitions are clearly drawn to start with, the phenomena will fit them; but the more important question which he treats too tersely, is whether this may not merely express two aspects of fundamentally like phenomena. He differs from Frazer, however, in holding magic to be something different from primitive science and not even closely related to it. The chapter on Morality and Religion touches a very rich ethnological field but it can scarcely be said that the author has made the most of it. He denies the right of theology to isolate itself from psychology and philosophy on the ground of its being immediate knowledge whose very presence in consciousness carries its own conviction of truth and thinks it as amenable to critical psychological analyses and estimates, as is any other phase of consciousness.

W. P. WALLIS.

*University of Pennsylvania.*

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MUNROE, JAMES P. *New Demands in Education*. Pp. viii, 312. Price, \$1.25. New York: Doubleday, Page & Co., 1912.

This is an intelligent discussion of many of the current problems of American education. It regards boys and girls under an intelligent scheme of education as the nation's greatest resource. To realize such an Utopian condition, the author makes eight demands: small classes with more or less individual teaching, physical development and care for health, interesting and stimulating studies and teaching, the training of the senses, the development of strong character, social training, vocational guidance, and wide opportunities in the school for individual effort. He makes a plea for the development of individuality and initiative on the part of both teacher and pupil, and is especially bitter in his condemnation of the despotism of ignorant school boards. American education is aimless. It has lost its one-time definite aim, and the present broad, general, cultural idea lacks a real understanding of what education should be.

The public school exists to develop social and personal power. It is just as important for it to train boys and girls to play an important part in community life as it is to develop individual skill and intellectual acumen. Society demands of public school product, "health, character, honesty, truth telling, willingness to work, readiness to comprehend, quickness of adaptation, fertility of resource and vision. These results come not from set lessons, but from self-discipline, self-reliance and self-knowledge. These qualities the public school must develop."

The discussion of discipline is admirable. The day of the rod has passed and

in too many cases has left a coaxing, pampering, disgusting way of dealing with children. The profession of teaching has found it difficult to create a self-discipline "which will whip him soundly every time he disobeys wise laws which he is capable of understanding."

The author joins in the well-nigh universal criticism of the American high school. The blame, so the author thinks, rests upon the university which has commandeered it as a feeder and upon the public which has failed to grapple with the situation. The high school apes the university and fails to serve the evident needs of the community. It will fail until it becomes independent and is a powerful social force.

A. H. YODER.

*Whitewater, Wis.*

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NITOBÉ, INAZO. *The Japanese Nation: Its Land, Its People and Its Life, With Special Consideration of Its Relations with the United States.* Pp. xiv, 334. Price, \$1.50. New York: G. P. Putnam's Sons, 1912.

These eleven chapters based on lectures delivered during the past academic year at various American universities, from the Atlantic to the Pacific, aim to promote a just understanding of the attitude of Japan toward the United States. This laudable undertaking in behalf of international peace has now passed from the charge of the universities to that of the Carnegie Peace Endowment.

With discrimination coupled with wise and hopeful suggestion, are treated the character of the land and of the people, their history, religion and morals, the present economic and educational conditions of the country, and particularly its past and present relations with the United States. The chapters on Economic Conditions and on Japan as a Colonizer, appeal especially to readers of THE ANNALS.

The 4,223 islands which, according to the *Tribune Almanac*, compose the empire, are reduced by official statistics to 518, those only being counted whose circumference equals one *ri*, or two and a half miles. Their whole extent is less by some 10,000 square miles than that of the State of California, and only about fifteen per cent is arable, the country being so largely mountainous. "Yet from this limited area our peasants produce enough to feed and clothe themselves and the nation and to furnish more than one-half of the silk worn by American ladies" (p. 210). Agriculture engages 60 per cent of the people, and 70 per cent of this class own and work farms of less than two and a half acres. Twelve is "a very respectable holding," and twenty-five acres make the owner "a local magnate" (p. 212). "As for manufacturing and other industrial enterprises, I am glad to say these are growing steadily and on the whole sanely" (p. 222). As yet there is "an unfortunate absence of iron," "lack of skilled labor," and a "predominance of female labor;" "child labor is disproportionately large" (pp. 234-5). "Careful experiments in cotton mills have shown that 300 Japanese operatives are required where 200 English are sufficient and where 100 Americans do the same work. As yet, there seems to be no immediate fear of an industrial Yellow Peril!" (p. 224). "Though as many as 98 per cent of the children of school age (6 to 14 years) are actually attending schools, a considerable portion of these



do so just long enough to follow the letter of the compulsory education law" (pp. 224-5).

"The conditions of labor in the factories are far from satisfactory—in many of them they are positively disgraceful." Yet, "as the new law forbids the employment of children under nine in factories, and the working of women at nights, a starting point is provided for a better condition of things" (p. 224).

For a population half as large as that of the United States, yet penned up in limits no greater than those of the State of Colorado, colonization is a necessity. Emigration to Formosa, Yezo, Korea and Manchuria is encouraged by the government that restricts voluntarily emigration to the United States. The interesting account of Japanese success in controlling and improving refractory Formosa contrasts with the meagre notice of Japanese action in Korea and Manchuria. In regard to these latter, the author alleges foreign misrepresentation and deprecates premature criticism.

While the author of "Bushido," cannot be charged with any lack of admiration for what is distinctively Japanese, he shows himself in the book before us as indeed "shod with the preparation of the gospel of peace." In temperament, ability and education, and in intimate knowledge of western thought and of America in particular, no Japanese is better fitted to appeal to the judgment and good feeling of thinking Americans. If the Chauvinists of neither country can be expected to think and listen, the great majority of well-meaning people on both sides of the Pacific may find in this book ample ground for maintaining inviolate the cordial relations that have existed between the two countries ever since our Commodore Perry sailed up Yedo Bay.

WM. A. HOUGHTON.

*Yonkers, N. Y.*

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PARKHURST, F. A. *Applied Methods of Scientific Management*. Pp. xii, 325. Price, \$2.00. New York: John Wiley & Sons, 1912; *Addresses and Discussions at the Conference on Scientific Management*, held October 12, 13 and 14, 1911. Pp. xi, 388. Price, \$2.50. Hanover, N. H.: Tuck School, Dartmouth College, 1912.

Since Frederick W. Taylor began his work in scientific management and efficiency, the output of literature upon these subjects has steadily increased. Two of the latest publications are Parkhurst's "Applied Methods of Scientific Management" and the Proceedings of the first conference of the Amos Tuck School of Administration and Finance of Dartmouth College.

The first of these volumes treats of the application of scientific methods in the case of the Ferracute Machine Company of Bridgeton, New Jersey. These methods are particularly adapted to a business employing one hundred people or more. In a general way the work resembles Arnold's "Factory Manager." But where Arnold in the space of his work examined in some detail the organization of several plants, Mr. Parkhurst has devoted an entire volume to the organization of one. As might therefore be anticipated, the work gives an exceedingly minute and thorough treatment of the methods of the company in question. The

portions of the volume that are devoted to "routing work through the shops, payment of labor," and "time studies" are especially interesting.

The book contains a lengthy appendix "Organization Record of the Ferracute Machine Company." This lays down exactly what the duties and responsibilities of each member of the organization are. It goes, therefore, without saying, that that company employs the Taylor and not the Emerson system.

The Tuck School Conference was divided into six sessions; the first devoted to Principles of Scientific Management; the second, to Scientific Management and the Laborer; the third, to Scientific Management and the Manager; the fourth, to the Applicability of Scientific Management in Certain Industries; the fifth, to Scientific Management and Government, and the sixth, to Phases of Scientific Management. Some of the leading specialists of the country in this field attended the conference, among them F. W. Taylor, Harrington Emerson and H. L. Gantt.

As in nearly all conferences, much was said that was elementary in character or that had little bearing upon the subject in hand. But it is fair to say that less of this was in evidence at the Tuck Conference than is usually the case. Several of the speeches were unusually interesting and informative, while some of the discussion developed many points that are not commonplaces to the students of the subject.

Both volumes it may be said, in conclusion, are interesting and valuable contributions to the extant literature on "Scientific Management."

WILLIAM S. STEVENS.

*Columbia University.*

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REES, J. D. *Current Political Problems*. Pp. xi, 423. Price, \$1.40. New York: Longmans, Green & Co, 1912.

The "Current Political Problems" are those before the British public at the present time, but the real subject of the work is the attitude of the political parties towards these problems. The book is written primarily for the British voter, and assumes, with regard to most of the topics treated, a knowledge on the part of the reader, such as might be gained from the casual perusal of newspapers. The provisions of the Lloyd George budget and of the Declaration of London, for example, receive little explanation, while other topics less well-known or less recently the subject of general discussion, such as foreign affairs and education, are given more exposition. On the whole, however, the tone is distinctly argumentative, and, since the author frankly acknowledges inclinations "in the Unionist direction" (p. v), the book becomes mainly a justification for the attitude of the Unionist party. The author endeavors to remedy this one-sidedness by a summary statement at the end of each chapter of arguments both for and against the policies considered. These fairly deserve the author's claim of impartiality, though they can scarcely be regarded as systematic or thorough.

The contents cover so wide a range that it is impossible to give them an adequate survey here, but some of the more significant views may be noted. The keynote of the treatment of the army and navy is their inadequacy to protect the empire and also defend England from German attack. The chapters



on India, the colonies and foreign affairs are largely expository, but through them runs the note of opposition to the anti-imperial attitude of the Radical-Socialist-Labour group. This party is, in fact, the red rag throughout the book, and later socialism comes in for a chapter of condemnation to itself. On the constitutional question, the franchise, apportionment of representation, Irish home rule, education, disestablishment and taxation, the well-known Unionist views are fortified by argument, and an earnest plea for tariff reform is not omitted. With regard to social reform the author insists that the Unionist party should take a positive attitude, but discreetly leaves the reader to guess what the concrete policies should be. The book is of value, therefore, chiefly for its statement of the principles of the Unionist party as a member of the party sees them and for the summaries of certain contemporary political issues.

W. E. LUNT.

*Cornell University.*

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VINEBERG, S. *Provincial and Local Taxation in Canada*. Pp. 171. New York: Longmans, Green & Co., 1912.

This contribution to our somewhat undeveloped stock of literature on fiscal affairs is not only timely but extremely valuable. In this epoch of increasing interest in taxation, especially in our American states and local governmental areas, it is necessary, at all times, to keep in touch with the practical experiences of other localities, especially when such localities have been more progressive and more independent than is the case in this country. Canadian experiences, of whatever nature, illustrate valuable lessons in statesmanship and local administration. The author of this contribution on the revenue problems of Canada has combined three very essential factors of analysis in his review. The historical background is clearly presented; the practical results of definite experiences are specifically shown; and in addition the author has given us the benefit of his own personal criticisms and suggestions. Though the latter factor may be subject to some disagreement in particular cases, its existence in this volume helps rather than hinders, for the reader is forced to give a more critical attention to the concrete subject matter. Another point of value is his very clear and lucid division of topics, thereby making it possible for the work to be used as a handbook of reference. In particular, his analysis of the failure of the personal property tax, the business assessment, and taxes on real estate are to be strongly commended. The absence of vague technicalities is a virtue in itself. The copious citations and the supplementary appendix help to emphasize the solid and scientific character of the investigation. Generally speaking, its chief merit would seem to lie in the fact that the author has apparently had few preconceived ideas in regard to the merits or demerits of any system or method, as theoretically applied. Each topic is analyzed on a basis of the natural and necessary relation between the social and economic conditions of the locality and the actual administration of the method cited. It would be well if more of the many monographs on taxation and kindred subjects could be as clearly and efficiently presented.

C. LINN SEILER.

*University of Pennsylvania.*

WINTER, NEVIN O. *Chile and Her People of To-day*. Pp. xii, 411. Price, \$3.00. Boston: L. C. Page & Co., 1912.

This book aims to give a comprehensive survey of what constitutes modern Chile. A great many topics, more or less diverse, demand attention, and the author apparently has found some trouble in weaving them together. There are many places where the discussion is decidedly choppy reading.

After an introductory chapter on the country as a whole, the author wedges in a chapter on the west coast of South America. The application of this matter to Chile and her people is not always obvious. Valparaiso, Santiago, the southern agricultural zone, Tierra del Fuego, the Andine Cordillera, the mineral zone of northern Chile, the people, the Araucanians, education and arts, transportation, religious influences, three chapters on history, and a summary of present conditions and future possibilities, are the heads under which the narrative is subdivided.

Mistakes and misleading statements occur everywhere. Examples may be cited. "Fine bays and harbors" (p. vi, preface) are certainly not conspicuous along the coast for 1,500 miles south of Arica. The rest of the coast is of little or no consequence anyway. "It is said that the foreign population (of Valparaiso) almost equals the natives in numbers" (p. 50). The latest census (1907) gives Valparaiso, natives 146,000; foreigners, 13,000. "Talca has plenty of rainfall" (p. 94). The irrigation ditches about Talca, and the meteorological records giving a mean annual rainfall of seventeen inches with an average of forty rainy days per year, do not support this statement. Constitution is at the mouth of the Rio Maule, not the "River Talcahuano" (p. 103). It is very doubtful whether the primeval forest "extended along the coast as far as Valparaiso" (p. 115). A rainfall of sixteen inches yearly, and limited largely to the winter, will not support a forest in the latitude of Valparaiso. A glimpse of the lumber yards at the railroad stations from Pillanlelbun southward creates the impression that the "important lumber industry" is not "still awaiting development" (p. 116). The province of Cautin alone has two score sawmills. Chilean Patagonia can never "exceed in fertility and wealth the broad leagues of rich plain between the Andes and the Atlantic" (p. 119). The approximate southern limit of known nitrate lands is south of Taltal and not "near Antofagasta" (p. 181). The nitrate oficinas refine only a part of their iodine not "to keep up the price" (p. 184), but because the so-called iodine trust allots each oficina its annual share, and no more than this can be disposed of. The British is not the "most numerous nationality other than Spanish" (p. 208) that has entered Chile. The census of 1907 gives: Italians, 13,000; Germans, 10,700; British, 9,800. The gold peso has a fixed value of thirty-six cents United States currency (18*d.* English), not thirty-two cents as stated on p. 376.

Along with these mistakes and many others which can be similarly challenged, there is much of good in the book. But the person who does not know Chile can not sift out the bad, from which much misinformation and many false ideas about Chile are sure to be obtained. A very poor map and some mediocre illustrations do nothing to improve the quality of a book which seems to be suffering from hasty or careless preparation.

*University of Chicago.*

WALTER S. TOWER.



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THE PAPERS IN THIS PUBLICATION WERE  
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## INDUSTRIAL PENOLOGY<sup>1</sup>

BY E. STAGG WHITIN, PH.D.,  
General Secretary, National Committee on Prison Labor.

The state has a property right in the labor of the prisoner. The thirteenth amendment of the Constitution of the United States<sup>2</sup> provides that neither slavery nor involuntary servitude shall exist, yet by inference allows its continuance as punishment for crime, after due process of law. This property right the state may lease or retain for its own use, the manner being set forth in state constitutions and acts of legislatures. To make this of material value the prisoner's labor must be productive. The distribution of the product of the prisoner's labor inevitably presents the problem of competition, and the unfair competition between prison-made goods and those made by free labor has overshadowed the fundamental evil inherent in penal servitude and has caused confusion in the thought underlying prison labor regulation by legislative enactment.<sup>3</sup>

The usual penological analysis of prison labor into lease,<sup>4</sup> contract, piece-price, public account and state-use systems is impossible to use in an economic analysis of the labor conditions involved. Economically two systems of convict production and two systems of distribution of convict-made goods exist; production is either by the state or under individual enterprise; distribution is either limited to the preferred state-use market or through the general competitive market. In the light of such classification the convict labor legislation of recent years shows definite tendencies toward the state's assumption of its responsibility for its own use

<sup>1</sup> In connection with the above article the reader's attention is called to Dr. Whitin's recent book on "Penal Servitude" (Pp. xi, 162. Price \$1.50. New York: National Committee on Prison Labor), a brief review of which appeared in the preceding issue of THE ANNALS. The volume is illustrated with photographs of prisons and of prison laborers under a variety of conditions. It gives a popular treatment of the subject, based on the investigations of the National Committee on Prison Labor.—EDITOR.

<sup>2</sup> Constitution of the United States, 13th Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

<sup>3</sup> "Labor Legislation of 1911," in *American Labor Legislation Review*, vol. 1, No. 3, p. 122.

<sup>4</sup> Charles R. Henderson, *Penal and Reformatory Institutions*, pp. 198-203.



of the prisoners on state lands, in state mines, and as operatives in state factories; while in distribution the competition of the open market, with its disastrous effect upon prices, tends to give place to the use of labor and commodities by the state itself in its manifold activities. Improvements like these in the production and distribution of the products mitigate evils but in no way affect the economic injustice always inherent under a slave system. The payment of wage as a right growing out of production of valuable commodities is the phase of this legislation which tends to destroy the slave condition. Such legislation has made its appearance, together with the first suggestion of right of choice allowed to the convict in regard to his occupation. These statutes still waver in an uncertain manner between the conception of the wage as a privilege, common to England<sup>5</sup> and Germany,<sup>6</sup> and the wage as a right as it exists in France.<sup>7</sup> The development of the idea of the right of wage, fused as it is with the movement towards the governmental work and workshops, cannot fail to stand out in significance when viewed from the standpoint of the labor movement.

In a word, the economic progress in prison labor shown in recent legislation is toward more efficient production by the elimination of the profits of the lessee; more economical distribution of the products by the substitution of a preferred market, where the profits of the middleman are eliminated, in place of the unfair competition with the products of free labor in the market; and finally the curtailment of the slave system by the provision for wages and choice of occupation for the man in penal servitude.

Administrative development to meet the last session's legislative enactments marks the phase of the prison labor movement dominant in the year just closed (1912). The very framework of the state governments has had to be adapted to the efficient business methods required for the better adjustment of the interlocking functions of prison production for departmental consumption. Discussion of the varying methods to this end has been had at the House of Governors (Richmond, December), at the American Prison Association (Baltimore, November), at the American Institute of Criminal Law (Milwaukee, September) and at the National Conference of Charities and Correction (Cleveland, June). Enlisted

<sup>5</sup> Charles R. Henderson, *Modern Prison Systems*, p. 128. 57th Congress, 2d Session, H. D., vol. 92.

<sup>6</sup> Caesar Lombroso, *Crime, Its Causes and Remedies*, pp. 337-9.

<sup>7</sup> Roux Roger, *Le Travail dans les Prisons*, p. 31.

in the actual readjustment have been the Board of Public Affairs of Wisconsin, the Efficiency Commission of Massachusetts, the Board of Administration of Ohio, the Board of Control and Supply of Rhode Island, Governor's Commissions in New York, Maryland and Iowa, a special Prison Labor Commission in New Jersey and the State Boards of Charities in Virginia and California. Governors, unaided by such agencies, in Arkansas, South Carolina and New Mexico, have resorted to the pardoning power to remedy the evil conditions. Direction of the movement has been shaped by the appearance of a little volume entitled, "Penal Servitude," prepared under the direction of the National Committee on Prison Labor and enthusiastically approved by the American Federation of Labor. Theodore Roosevelt included the programme in his social justice plank of the progressive platform; Woodrow Wilson presented it as a part of his labor record; while in numerous states, the platforms of all four parties declared for the principle. The introduction by Attorney-General Wickersham of a federal jail commission bill into Congress marks the activities of the Taft administration to secure an accurate investigation by a competent commission, while the passage of the Booher bill by the lower house placed Congress on record against the contract convict labor system. This movement must not be confused with the emotional expression and description of inhuman conditions in magazine articles and the sensational accounts of ex-convicts, which, while struggling to alleviate conditions inherent in the injustice of penal servitude, have failed to arouse the public to the more scientific, matter-of-fact and purely business-like phases and solutions of the difficulties which have to be faced by state administrations. The movement for scientific efficiency in prison administration has aptly been termed Industrial Penology.



## THE NEW PENOLOGY

BY THEODORE ROOSEVELT.

The progressive party in its platform, adopted in Chicago, August last, declared for "the abolition of the convict labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families."

There is a growing insistence throughout the United States upon the need for drastic changes in the handling of penal institutions. The basis of the "new penology" is justice both to the prisoner and to society. It is to the interest of both that the prisoner be secured his right to proper work, health, reasonable moral and mental training, and last, but by no means least, the right to rehabilitation so far as in him lies. Any prison system that does not give these rights fails to do its duty.

One of the most objectionable points of our present prison system is the pardoning power. The question is whether it should be in charge of a pardoning board and taken away from the governor, how such a board should be constituted, whether it should be elected or appointed by the legislature or by the governor.

In the public press of January 19th<sup>1</sup> last, appears an article which sets forth portions of letters from some twenty governors in answer to an inquiry made as to the said governors' experiences with the pardoning power and their recommendations. Practically without exception they advocated a board of pardons, acting either in an advisory capacity or as an actual pardoning board. In the latter case, the governor should be and always is, I think, a member of the board. The general argument of the governors is that a governor has too many important matters as the executive of the state to enable him to do full justice to the petitions for pardons and commutation of sentences. Fundamentally the matter is much more serious than the incursion upon the governor's time. The sense of justice of any community is very keen and not by any means always in proportion to the facts. Particularly sensitive are our people, as they should be,

<sup>1</sup> *New York Times*, Sunday, January 19, 1913.



to the apparent abuse of the pardoning power. The board of pardons should be deliberative and not hasty in its action. It would be subject to criticism and scrutiny of the people of the state from the standpoint only of this as its sole function. Such a pardoning board should be non-political and composed of men of high integrity and sound judgment.

Then comes the question of how this board shall be constituted. The experience of the Northern States is that a prison board appointed by the governor is preferable to an elected board. I believe that a prison board composed of three members, appointed by the governor, and appointing their own executive secretary and office staff, is advisable. If the right men are appointed they will give a large part of their time and thought to the matter. Of course conditions in different parts of the country differ, and on all such questions it is advisable that those who are seeking to solve the problem, should consult with men like Mr. A. J. McKelway, who have made a thorough study of the whole problem and who are well acquainted with prison systems and with legislative and administrative difficulties in the various states.

Then comes the question as to how best to employ the convicts. Undoubtedly the convict contract labor system should be abolished and the prisoners should be set to work to produce articles solely for governmental consumption. The problem of the best methods of employing convicts is different in different states. Only a careful survey of conditions in any one state would enable me to answer authoritatively this particular question. Farming and outdoor life are of course advisable throughout the country. Governor Donaghey, of Arkansas, on December 27th last, performed, in my opinion, a necessary act in pardoning some three hundred convicts in order to call attention to conditions obtaining under the lease system which were intolerable. In the southern states I know that the negro convict offers a difficult and discouraging problem. This, however, is no reason why he should be leased out. It is rather a reason why the state should particularly guard its honor by giving him such advantages as are possible under the direct administration of the state alone. The state must get away from the theory that financial profit from its prisoners is its first consideration. The protection of society is the primary purpose of imprisonment and the next purpose is reformation. The penalty must be wise and humane and the prisoner must be made,

as far as possible, to be self-supporting while in prison or under imprisonment. The state should do its own farming, conduct its own industries, pay its own men and should not take a profit from its prisoners, save in as far as they are dealt with according to the best sense of justice of the twentieth century. The state should be able to sell its products as far as possible to its own institutions and to its political sub-divisions, such as the counties, cities, towns, etc. Prisoners should receive a reasonable amount for their work and should meet their own maintenance cost out of their labor. Over and above their maintenance cost (maintenance including all expenses attendant upon running an institution or convict farm, such as salaries, wages, food, clothing, lodging, but not large improvements such as additional buildings, etc.), the surplus should be used for the prisoner or for his dependent relatives. The inability of a state to buy sufficient acreage for all its prisoners, or to conduct convict camps, or to build a prison, looks to be a very large inability only so long as the state takes profit from the sale of each prisoner to a contractor or to a lessee. If the state were absolutely prohibited from contracting or leasing out it would obviously find a way to handle its prisoners otherwise. It is all a question of emphasis and need. The state must find the money for the humane treatment of its prisoners.

At present when a man has served his term in prison he is simply turned out into the world, with his prison record barring him from honest employment and often times forcing him again into crime in order that he may live. It is highly desirable that some other plan for properly handling the discharged convict situation should be adopted. I believe the following principles to be sound:

(a) The period immediately following the prison period is the most crucial time for the convict. He is often an outcast without money and with most of his tendencies directing him toward his old associates.

(b) The state spends a considerable sum on his imprisonment; surely it can wisely spend something on his after-prison period to prevent his being again a charge on the state.

(c) The only method of keeping convicts under proper supervision is by parole, that is, conditional liberty under official supervision.

(d) The parole of negroes in the South will doubtless be attended



by greater difficulties than the parole of white men in northern states, nevertheless, I firmly believe in it.

(e) The problem of the rehabilitation of prisoners, of their decent conduct during the parole period, is peculiarly a problem to be handled by a prison association or a prisoners' aid society. Such a society should cooperate with the state in developing volunteer parole workers, probation workers, taking convicts on parole, cooperating with state parole agents, paying out in instalments to paroled men the money they have earned in prison, and in general developing this supervision. If there are dependent families of prisoners, the prisoners' aid society might well be the association through which the earnings of prisoners could be paid, or the association could work in cooperation with the poor law officials of the various counties or towns.

The fact that a prisoner can earn money while under imprisonment is the greatest incentive to right living that can be given him. A further great incentive is the indeterminate sentence whereby the prisoner earns his own way to liberty through good conduct and progress. Indeterminate sentences are found on the statutes of practically all of the more progressive states in this country.

I am a strong believer in the value of a thorough survey of prison conditions whenever a state is inclined to make radical changes in its laws. Our principal trouble in prison reform is that reforms have been patch work. The time has come, it seems to me, for thorough-going studies followed by thorough-going reform.



## THE WAGE-EARNER AND THE PRISON WORKER

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BY JOHN MITCHELL,

Seventh Vice-President, American Federation of Labor, and  
President International Mine Workers.

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Organized labor is the strongest and most persistent advocate of the employment of convicts in the prisons upon those commodities which are needed by the state and its subdivisions for consumption in its several institutions and departments. The charge that the labor unions are opposed to convict labor is a malicious attempt to prejudice the public against unionism by shifting upon the unions the responsibility for the evil conditions existing in the penal institutions.<sup>1</sup> These are not the words of any labor official, uttered either in complaint or as a boast. They are set down as one of the findings of one who has investigated the convict contract labor system in this country.

One-sided indeed has the conflict so often been that trade-unionists in many states in which the pernicious system has been carried on have accepted the fact, as a matter of course, that obstacles to their attempts to abolish it should be the sentiments of those philanthropically inclined but short-sighted, the emotional utterances of persons reflecting an uninformed public opinion, and, naturally, the special pleadings to the public, accompanied by underhand machinations, of the two classes of men directly controlling the labor of the prisoners—namely, contractors and prison managers.

What is assumed to be the criminal selfishness of the trade-unionists in demanding for themselves the work performed by prisoners, the grievous wrong done to convicts in keeping them idle in their cells, the sufferings of their families when deprived of even the little wages they might earn during their terms of confinement, the certainty of the convict falling into temptation when released at the end of his term without the pittance he might have saved if kept at work on wages, the serious injury to society caused by turning loose upon it annually hundreds or even thousands of desperately

<sup>1</sup> E. Stagg Whitin, "Trade Unions and Prison Labor," in *Case and Comment*, September, 1912.

impoverished criminals ignorant of any means of making an honest living, whereas they might have been instructed in good trades while in prisons—on these themes have been written editorials, sermons, political speeches, and college men's theses, until it might seem that on this question all the rest of the world were in unison against the trade-unionists. This, however, was never really the fact. There has always been on the side of the unionists a considerable body of men, many of them penologists, who had given sufficient study to the complicated subject of prison labor to be entitled to pronounce upon it a well-founded opinion.

When, three years ago, the National Committee on Prison Labor entered upon its work, it was found that its members were in practical agreement on the question with the trade-unionists, that sentiment among active legislators and other public leaders had been changing as guided by a knowledge of the subject, and that hopes to lift our prison labor systems up to a plane that would respond to the demands of the enlightened judgment of competent penologists were reasonably well founded.

"After one year of study the National Committee on Prison Labor found the preponderance of evidence to be in favor of the state-use system; after a second year of study and further investigation, the committee is in a position to declare as prejudicial to the welfare of the prisoner, the prisoner's family and the public, the contract system of prison labor. The committee, therefore, declares itself opposed to the contract system of prison labor and to every other system which exploits his labor to the detriment of the prisoner."<sup>2</sup> With time, this group has been steadily reinforced by independent investigators and disinterested readers of their reports.

The present comparatively advanced status of the movement to bring prison labor in America into accordance with methods approved by European authorities on the subject, may be attributed in good part to the views of the backwardness of our practices expressed by foreign delegates to the International Prison Congress held in Washington last year. The president of that congress said of America's prisons: "In these jails it is hardly too much to say that many of the features linger which called forth the wrath and indignation of the great Howard at the end of the eighteenth century." The laws passed at the sessions of a number of our state legislatures last

<sup>2</sup> *Prison Labor Bulletin*, March, 1912.



winter providing for changes in prison labor were in themselves admissions of sad deficiencies in the methods heretofore pursued.

It may perhaps be said that at length the tide has turned and that the public is gradually coming to recognize the correctness of the position of the trade-unionists with respect to prison labor. Assistance is coming to them in putting an end to a most unhappy situation, whether one considers factors in it which affect the prisoner, the free laborer or the community.

It is natural for the reader to ask why it can be affirmed positively that the trade-unionists have been in the right on this question when so many other well-intentioned citizens who regarded themselves as well informed on public questions were in the wrong. The reply is that union men, especially those of certain occupations, on being for years brought constantly and intimately in contact with the economic and social consequences of contract prison labor, were driven by merciless necessity to find a just solution of the problem involved in it as a national disgrace and social injury.

Iron molders, cigar-makers, boot and shoe makers, chair-makers and other furniture workers, shirt-makers and other garment workers, harness-makers and other leather goods workers, as well as wage-earners in a goodly list of other indoor occupations, at one time or other and in one state or other, during a long period, have had driven home to them through contract prison labor a lesson in political economy which many good people not wage-workers, viewing the question sentimentally rather than practically, could have little opportunity to learn. Only a faint impression may be gained when one reads in an encyclopedic work on abstract economics such a dictum as:

"The price of a surplus of a commodity in a market is the price of the entire stock," but a deep and lasting impression is received, as from a knock-out blow, by a force of "free" dollar-a-day girl shirt-waist makers when they are discharged because the goods turned out from their employer's factory cannot compete in market price with goods of the same kind produced for a prison labor manufacturer by twenty-cents-a-day convicts. On this economic point, the New York Commissioner of Labor has thus quoted a shirt manufacturer: "All goods are sold by commercialism, and the lowest price makes the price for all as long as the cheaper article is on sale."<sup>3</sup>

<sup>3</sup>New York State Commissioner of Labor Report 1909.



In his report for 1910, the Commissioner of Labor of Missouri gives the idea clearly when he says: "A bad feature for the outside manufacturer is that convict goods can be and are sold to dealers and jobbers at figures slightly below their own. Therefore, it is very plain that all prison-made articles stand a better chance of selling first, and the demand must exceed this output before the jobbers and dealers can begin to handle the products of the regular tax-paying factories employing honest wage-earning men and women."

In Missouri alone in 1909 the output of convict labor shops was valued at \$4,708,102.<sup>4</sup> Now, it is by far the lesser factor in the problem for that state that nearly seventeen hundred free industrial wage-earners were in that year thrown out of work through the contract labor of that number of prisoners, with a loss to free labor of \$758,000 in wages, as computed by the commissioner. The portentous factor to society was the demoralization of the markets through the prison-labor goods, with ruinous consequences to the free-labor manufacturers, necessitating low wages for their employees and perhaps the temporary or even permanent closing of factories. When one remembers that the case of Missouri is the case of every state tolerating the convict contract system, in all twenty-nine a year ago, he may see the enormity of the wrong done in the United States to the wage-workers who are not convicts and to the manufacturers who are not privileged to have their goods made by convicts in prison factories, with the advantages of free rent, power and heat, and an untaxed plant.

Left to themselves, the free manufacturers in an industry can in a general way so conduct it as either to minimize the occasional waste from over-production or to overtake the market on the occurrence of a shortage in production. In the course of years they can maintain approximately an equilibrium of trade, resulting on the whole in fairly steady work for the wage-earners and average gains to the investors in the business. But, to a number of industries, of all the circumstances which vitiate the natural course of free production, prison labor has long been one of the most hurtful and vexatious. Fully thirty years ago the stove manufacturers of New York, in petitioning the legislatures to do away with iron molding in Sing Sing, represented that as a body they could, if the state took its hands off them, provide for the average annual consumption of their goods

<sup>4</sup>*Missouri Red Book*, 1909, pp. 457-8.

at remunerative prices, without serious fluctuation in their scale of wages or their number of employees. Contract prison products, however, made the total output and its market prices ruinously uncertain. In New York, the contest between the two classes of metal manufacturers, free and prison, ran through decades. It was largely the efforts of the molders' union, associated with other labor organizations, which brought about the constitutional amendment of 1895, by which was introduced what is now known as the "State-use" system, putting an end in New York to contract prison labor.

A barbarous social abuse certain to arise from the establishment of contract prison labor lies in securing the needed laborers. It would not do to have the contractors suffer through want of employees. A significant light was thrown on this phase of the subject in testimony given at Washington before a sub-committee of the House of Representatives three years ago, relative to a report of the Baltimore grand jury in January, 1907. A passage in this report read: "Owing to the high value of labor, we find the authorities of our penal institutions anxious for long-term prisoners, in order that their financial showing shall be improved and that they may get appropriations for new buildings, on the ground of their being entirely or partially self-supporting. This is very commendable."<sup>5</sup> The Maryland penitentiary is one of the shirt trust factories. The process of legally putting poor and ignorant black men to work in the southern mines as convict laborers has all the look of a villainous form of conscription.

"The report on the State Convict Board of Alabama shows that the total gross earnings of convicts in that state for the year ending September 10th was \$1,073,286.16. These figures, without taking into account the earnings of one hundred convicts who were employed on the state farm, from whom the state would have received \$30,000 more if they had been leased on the same terms as the others, shows a gain for 1912 over the previous year of \$16,456.93. The figures for other states where the convict lease system is in force are not at hand, but there is every reason to believe that the above is a fair sample of the profits made elsewhere. No doubt this statement of the Convict Board, coming at the time of the year when the papers are filled with the reports of bountiful harvests and bumper crops,

<sup>5</sup> *Hearings before Sub-Committee No. 4, Committee on Labor, House of Representatives on H. R. 4040, "Competition of Penal Labor" (1908), p. 127.*



will read to a good many people like another evidence of the prosperity of the state. Other persons, considering the dubious source of this income, will perhaps comfort themselves with the reflection that the profits of the state upon its convicts go very largely to support the public schools, and so return good for evil. How many know or have considered the actual facts in regard to the matter, namely, that under the fee system, as it still exists in Alabama and other parts of the South, the sheriff is put in the position of a recruiting agent for the employers of convict labor; that about eighty-seven per cent of all convicts of the state are negroes, many of whom, arrested for trifling offenses, have drifted into crime because of ignorance and the neglect of the state properly to educate them; that in spite of the regulations to protect these unfortunate slaves of the state, life in the convict camps to-day is more degrading and cruel than it ever was under the worst form of slavery; that when these men are finally released they go back into the walks of daily life broken in body and embittered in mind, to become not only a burden but a menace to the remainder of the community? Considered in the light of its ultimate results to the community, this large profit from convicts' labor is not a gain—not even in the material sense—but a loss. A few private individuals may profit by this system, but the state loses. The state loses because these men from the convict camps and the mines return, at the end of their period of servitude, worse in body and in soul than they were before. No state can afford to make a business profit out of the moral degradation of any of its citizens.”<sup>6</sup>

How many men and women of the needle trades in the United States, it may be asked, have seen their jobs taken from them through prison labor—just as the employees of four shirt factories in Baltimore, after the panic of 1907, were discharged, doomed to idleness, when the firm employing them transferred their sewing machines to the Maryland penitentiary, to give the prisoners work at full time? How many industrial wage-workers have seen the places of their employment close through their employer's inability to compete with a manufacturer working convicts—just as was the case of a chair-making company, which, after thirty years in the business, was forced to discontinue turning out a certain grade of goods made for it by free employees at \$1.50 to \$3.00 a day, in competition with convicts at 30 to 50 cents a day? How many poor, unfortu-

<sup>6</sup> *The Outlook*, December 7, 1912.



nate blacks and whites have known while at work in prison or mine that they have been arrested, not to be punished as law-breakers, but to be worked for a combination of prison keepers and slave-driving prison labor contractors—just as may be the case to-day whenever the temptation and the power exist for treacherous authority and unscrupulous greed to seize and exploit weakness and helplessness? Thousands, even tens of thousands, of American citizens have in one or other of these ways been mercilessly and infamously robbed of their time, of their labor, either of which means so much of their very lives. All these sufferers had relatives, or friends, or fellow-workers who witnessed their cruel and unjust fate or heard the story of it, and these, with the victims, have no doubt wondered, in righteously rebellious spirit, where were law and justice and mercy and Christianity, while such shocking evils could be tolerated by society.

Is there a confirmed criminal class in this country, skeptical of purity in the law and beneficence in its institutions? Is there a growing defiance of the public officials? Is there a widespread conviction among the lowly that to be poor is to be legitimate prey for cunning arch-thieves cloaked in legal authority or endowed with legal privileges, even to that of jailing the victims of poverty and working them like slaves?

When one calls to mind the enormous numbers of poor people who have suffered in some form from the blunders or the criminalities possible under our prison labor systems, something of the answer to a perplexing question which law-abiding wage-earners ask one another is suggested. The question is: Who are the mob-makers that suddenly appear in our cities in times of popular excitement? Who are the missile throwers and violent shouters of incendiary phrases, usually unknown to the unionists, that during a lockout or a strike make for the thick of the crowds, to act contrary to the wishes and instructions of the union? To what extent may lawless outbreaks be due to the irrepressible sense of wrong done him by society rankling in the breast of here one man and there another, feeding the latent mob spirit to flame up with the opportunity of manifesting it in public? It is to be remembered that on January 1, 1911, the total prison population of the United States was more than one hundred thousand, while the total number sent to prison in the course of the year 1910, for short as well as long terms, was more than four hundred thousand.

As to a highly promising, if not yet thorough, reform in prison labor, the principle has been applied in New York for fifteen years. Pursuant, as already mentioned, to the petitions of trade-unionists and citizens who coincided with their plan, the Constitutional Convention of 1894 adopted an amendment providing that only such goods should be made in the prisons as were to be used in the public institutions of the state and its subdivisions. The August, 1911, issue of the "Prison Labor Bulletin" of the National Committee on Prison Labor, in announcing a forthcoming complete report of the status of New York's prison industries, says it will show that under the "State-use" system the prison population cannot, even with greatly increased efficiency, come anywhere near supplying the market which the law has thus provided for prison made goods.<sup>7</sup> In addition, at the Onandaga penitentiary, the stone quarry is to be so developed as to supply sufficient work all the year round for the convicts there.

Here we have methods for employing prison labor which have been shown through practice to be productive, as nearly as possible, of unmixed good, viz., manufacturing articles to be used in public institutions and breaking stones for road-making. Further, some states have successfully employed convicts in making roads.

It is now generally believed that convicts should be paid for their labor and that a part of their wages should go to their families. With these features the New York program, supplemented by road-making, presents the leading requisites of an effective salutary scheme. Under it, prisoners may be self-sustaining, as presumably they were, on the whole, while at liberty. The suffering of those dependent upon them may be alleviated through a part of their wages. The prison products do not disturb the markets, the effect of supplying the public institutions amounting only to a slight restriction of the selling field for certain manufacturers. The factory wage-workers are not exposed to convict competition. The convicts may be kept steadily at work, while undergoing a helpful manual training. Limitations are set to the temptations, or opportunities, on the part of prison superintendents, wardens, commissioners—of whatever title—for a vile and cowardly graft. Manufacturers operating their own plants are rid of a discreditable class of competitors.

<sup>7</sup> Final Report, Commission to Examine the Department of State Prisons, New York, 1911.



The change in public sentiment is indicated by the legislation on the prison labor problem in 1911. No state this year has given new powers of leasing or contracting for convict labor. Only one has extended the field of its lessees. Twenty-one have made some provision for state operation or assumption of industries. Eight have provided for state consumption, six for regulation of prices and standardization of products, and three for the branding of prison-made articles. Nine have authorized road-making or road-stone cr shing by convicts. Provision for radical changes in the methods of administration was made in seven states.<sup>8</sup> The principle of relief for dependent families of prisoners was given some recognition. All told, a good start was made in the right direction.

Organized labor, the most forceful social element in promoting these reforms, can welcome such opinions on prison labor as the following, given editorially in the employers' *Mines and Minerals* for June: "There is no question but that convicts should be made to work, and at least earn their keep and the expense of maintaining the penal institutions, if the products of their labor do not enter into competition with those of free labor. There is a kind of work they can do, and it is work that interferes least with free labor. They can crack stone in the prison or jail yards, and this cracked stone can be effectually used to make, repair and keep in order the public roads. If each state should put its prisoners to such use, it would materially reduce the just complaints against our abominable roads; and besides, the privileges and rights of free, honest labor would be interfered with less than by any other work."

It is true, with regard to prison labor, as of many another social problem, that in defending themselves trade-unionists have been protecting not only the interests of non-unionists but of society in general.

<sup>8</sup> E. Stagg Whitin, *Penal Servitude*, p. 8.



## WOMEN AND PRISON LABOR

BY HELEN VARICK BOSWELL,<sup>1</sup>

Chairman, Committee on Political Science, General Federation of Women's Clubs.

The biennial convention of the General Federation of Women's Clubs at San Francisco, in June, 1912, unanimously passed the following resolutions which were presented by the industrial and social conditions committee:

WHEREAS, Club women having discussed throughout the country, under the auspices of the industrial and social conditions committee, the problem of prison labor, and said committee having submitted to careful scrutiny the reports of investigations in this field by the National Committee on Prison Labor and kindred local committees;

*Resolved*, That the General Federation of Women's Clubs declares itself as opposed to the contract system of prison labor, and to every other system which exploits his labor to the detriment of the prisoner, and that we urge upon the several states the advisability of establishing healthy outdoor work for able convicts, remedial care for the feeble and degenerate, and industrial education for all who have the potentiality for reform.

And we further affirm that the products of convicts' labor should be consumed by the state, and that the profits therefrom, above the just cost of his keep, should be used to support such dependent family as he may have.

These resolutions were not revolutionary, but a natural evolution from the words which Elizabeth Fry penned a century ago in justification of her experiment in introducing work into the prisons of England:

No prison can be considered complete which does not afford the means of hard labor, which properly appertains to a reforming discipline of punishment. Some remuneration for their work, even during their continuance in confinement, will be found to act as a powerful stimulus to a steady and persevering industry. And if in laboring for this remuneration the poor criminal has also gained possession of the habit of industry, and has learned to appreciate the sweets of regular employment, it is more than probable that his temptation may never occur again.<sup>2</sup>

<sup>1</sup> Miss Boswell was also Chairman Industrial and Social Conditions Committee, General Federation of Women's Clubs, 1910-12, and Chairman Woman's Department, National Republican Campaign Committee, 1912.

<sup>2</sup> Elizabeth Fry, *Observations on the Visiting, Superintendence and Government of Female Prisoners*, pp. 48-53.

Labor was thus introduced as a boon, to supply the worker with a few necessities for sustaining himself and those dependent upon him. This reform, which caused the little Quaker woman to be hailed as the greatest philanthropist of her age, developed into a more definite problem as the industrial revolution took place. Change from hand-work to machine-work necessitated supplying both work-houses and penal institutions with new devices, so that the goods might compete in the market. Against the introduction of these machines, labor brought its full force, as part of the larger opposition to the new devices.

In the work-houses the labor movement was successful, not only in forbidding the use of machinery, but in suppressing competing industries. In the prisons the same was true, until the demand of the new industrial system for workmen pointed out to certain capitalists the pecuniary advantage of securing the work of convicts in return for supplying machinery and marketing the product.

In England, France and Germany the conflict was quieted by the limitation of the work of convicts for the most part to enterprises of the state, the construction of ditches and dykes, the building of institutions and the manufacture of state goods. In the American states, prison reformers were so eager in their advocacy of the congregate or solitary systems of housing the convicts and the building of costly model institutions which might be an example for the world, that it became difficult to combat the growing evils of the penal industrial system without placing upon the taxpayer a very much larger responsibility than he would accept.

During this period, the system of contracting the work of prisoners to business enterprises developed and, despite the graft incident to it, paid the state so well that the citizens were seldom taxed for the maintenance of the prisons. The conditions in these industries were often the cause of investigations, and one device after another was employed to calm the wrath of the labor unions, to appease the demands of the prison reformers for more humane treatment of the prisoners, and at the same time, while building the great institutions, to trouble as little as possible the taxpayer. New York State did away with the contractors in its prisons and supplied in 1894 a preferred market for its prison goods in its own institutions and departments. Laws were also passed prohibiting



any person from exposing convict goods for sale without a licence and requiring that such goods be marked "Convict Made." A violation of the branding and licensing laws was reported to me, and as chairman of the industrial and child labor committee of the New York State Federation of Women's Clubs, fearing that such violation would tend to interfere with the legitimate occupations of numbers of women, and indirectly force more children into work, I lodged a complaint with the New York State Commissioner of Labor, who assigned an expert of the department to make the investigation.

The findings of this investigation were briefly presented to the New York State Federation at its convention in Rochester by the Commissioner of Labor, who stated:

That the competition between prison labor products and the products of free labor has been so serious as to result in a forced lowering of wages of free men, and has tended either to drive people on the street or to lower standards of living; that New York State has endeavored to erect safeguards against the baneful effects of this competition by the enactment of branding and licensing laws; but that these laws, the Supreme Court has held unconstitutional on the ground that the branding and licensing impaired the market value of the product and went beyond the powers of the legislature, and that it violated federal and state constitutions.

Furthermore, in his annual report, the Commissioner of Labor urged the establishment of a national committee on prison labor which should undertake to deal scientifically with the problem and to gather the conflicting forces and center them upon a social program. The National Committee on Prison Labor was organized as the result of this recommendation, and it was in cooperation with this committee that the General Federation of Women's Clubs endorsed the bill introduced into the house of representatives "that all goods, wares and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any state or territory or remaining therein for use, consumption, sale or storage, shall, upon arrival and delivery in such state or territory, be subject to the operation and effect of the laws of such state or territory to the same extent and in the same manner as though such goods, wares and merchandise had been manufactured in such state or territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise." The



passage of this bill would simply make goods introduced from one state into another subject to the laws of the state into which they came, thus making constitutional such laws as the New York branding and licensing laws.

At the hearing in Washington, in March, 1910, on this bill, with Mrs. J. Ellen Foster, Mrs. Samuel Spencer, Mrs. John Hays Hammond and others interested in women in the industries, I represented the General Federation of Women's Clubs, and drew attention to the disastrous effects upon women's work of the competition of prison workers.

Another phase of the problem presented itself as the result of further investigation—the problem of the prisoner's wife and children. Illustrative of this problem are the following cases:

On the lower East Side of New York City, a woman and four little children under five years of age were found one bitterly cold day last November, in a practically starving condition, without means of heating the room and with only the thinnest of cotton garments. The children were so young that it was impossible for the mother to leave them to go to work, so the little family was entirely dependent on the more or less spasmodic efforts of charity, and it was doubtful whether the home could be kept together until the expiration of the father's sentence, while surely in Sing Sing his sufferings were less keen than those of the wife and children.

Minnesota legislation provides that the managing board of the reformatory may, in the exercise of its discretion, aid the wives and children of the inmates. The managing board has decided, however, that the law does not authorize it to furnish support to dependents living outside the state, thus relieving other jurisdictions from their obligation to support their own poor. Consequently one of the prisoners having an epileptic wife and two children in New Jersey was unable to afford them any support.

Nine prisoners, interviewed at random, in the Michigan state prison all admitted that they were married and had been earning at the time of conviction amounts varying from \$1 per day to \$2,000 per year, while in prison the highest sum earned was \$34 per year; all had children under fourteen years of age. In seven cases the wives were endeavoring to provide for their children, their earnings never exceeding \$8 per week and in three cases amounting to only \$2. One wife was a cripple and in another case it was

stated that the family was dependent on help provided by the Poor Commission.

These are but a few instances, but they show the definite need of working out some plan whereby the prisoner should labor while in prison, and his earnings above the cost of his keep, should go to those who are rightly dependent upon him.

Club women have carried on the agitation in many states. They have interested Vice-President Marshall, who, in his campaign literature, claimed the convict labor reforms as part of his labor record. They have interested Governor Cox, of Ohio, one of whose first official acts was the appointment of a special commission to study certain prison problems; in Maryland, Kentucky, Tennessee, Oregon and Washington, they have been specially active; and they will continue this activity until in all the states of the Union justice has been secured for the free worker, the prisoner and his family.

## WHY I COULD NOT PARDON THE CONTRACT SYSTEM

BY GEORGE W. DONAGHEY,  
Governor of Arkansas.

I have consistently fought the convict lease system since I have been in public office. In every public speech I have denounced it. As a member of the penitentiary board I have opposed it in every instance where it was at issue. Time after time I have pleaded with the legislature to abolish it, but in spite of my appeals for relief and the repeated protests of the people of this state and the messages transmitted by the governor to the past two general assemblies, all in condemnation of this cruel penitentiary and county farm lease system, no adequate relief has been given.

The subject has been grossly neglected by the general assembly, partly due to a confusion of ideas as to what plan was best to adopt, and partly due to a disposition by some to let the matter remain as it is, with the statement that "the penitentiary was not designed for a Sunday school."

In answer to such statements, let me say, nor was it designed for a revengeful hell. The abuse of power shown by a few individuals acting as justices of the peace in some towns in Arkansas, as is made plain by the records, is enough to stagger into amazement those who have given the matter attention. Ever since the adjournment of the last legislature, without taking action upon the subject, I have had in mind in some way myself to find some measure of remedy for the evil.

Last September I addressed a communication to the superintendent of the penitentiary asking for a list of all the convicts confined therein, together with their crimes, age, color, sex, terms of confinement, dates of conviction, and all other information concerning their penal history. This has been given me. I also sent a special agent to the county convict farms wherever convicts are worked under the lease system, and got the same information. Through these, and other sources, I have secured reports which are indeed startling, and but for the record in the cases, they could scarcely be accepted as truth gotten from official documents and personal statements among a civilized people.



Instance No. 1. In Phillips county, according to the court records, two negroes jointly forged nine orders for one quart of whiskey each. For this offense one of them was convicted for eighteen years and the other for thirty-six years. When the record of the circuit court convicting them was secured by me, I at once issued pardons for both of them. They had no one to appear in their behalf, and at the time I issued the pardons I was notified by the penitentiary officials that after serving nearly two years of the time, the negro convicted for thirty-six years had died.

Instance No. 2. During the year 1912 it was reported by the citizens of Malvern that while working near that town for a contractor on the railroad, a young white boy convict was compelled to work in the hot sun while he had a burning fever, that he was refused the necessary attention, and that the next day he died. Concerning this matter, it was published in the *Times-Journal*, a paper at Malvern, that information had been secured from the convicts that they were fed mostly on sour pork and beans, and were herded in cars at night, twenty-four or twenty-five men to the car, where they slept amid filth and vermin, and that the slightest complaint upon the part of any convict brought him a lashing on his back with a leather strap six feet long and four inches wide, and that men sent out from the walls, unaccustomed to labor, to work on the railroads were made to do the hardest work in the hot sun from the start; and that, if they lagged or showed inability to do the work they were thrown to the ground and lashed with a strap to the extent of ten lashes and sometimes as many as fifteen, according to the humor of the warden.

Instance No. 3. It was reported from Ward Station that, while working on the railroad for a contractor, a white boy convict, sentenced for a minor offense, was shot down and, after being delivered to the station to be transported to the hospital, while lying on the platform of the depot in the burning hot sun, his blood trickling down the planks of the platform, many people passed by and saw him. When he cried to the passers-by to give him some relief, the warden refused to permit anyone to go near him. He was transported to the hospital, and next day died. Concerning this tragedy, a local newspaper reported as follows:

This young white man lay in this condition for more than an hour. Finally about the time for the train for Little Rock to arrive, the warden said: "get up

and walk to the other end of the depot." The boy attempted to do so, and replied, "I can't walk." The creature, called the warden, said with a black oath: "d——n you, you have one good leg; get down there." They then dragged him to the other end of the platform and put him on the train.

We know of Nero and Otho, tyrants of the Roman Empire. We hear of the atrocities of heathen China. Did the Romans treat their prisoners any worse? Are the Chinese any more cruel to their prisoners? Let's draw the dark curtain and hide the crime—hide it for the sake of the name of "Beautiful Arkansas."

Instance No. 4. In Chicot county a negro was convicted for an offense not grave enough to send him to the penitentiary and was sent to the county farm to work for a contractor. He was fined \$250 and sentenced to six months additional imprisonment, all of which would have required his labor for more than two years to satisfy. In the petition that was filed with me for his pardon and signed by a number of leading citizens, including the circuit judge of the district, the statement was made that the negro's flesh had rotted from around his ankles because of the shackles he was forced to wear while working and that "said Goode is in an extremely bad condition physically, due to the inhumanity of the said contractor . . . that his legs are in a wretched condition from the effect of the continuous wearing of shackles since his confinement both day and night."

Instance No. 5. On the Jefferson County Convict Farm, I found a negro that was sent up from a justice of the peace court for 1,244 days for petit larceny.

Instance No. 6. A negro from another justice of the peace court in the same county, 319 days for petit larceny.

Instance No. 7. In the same county another negro was found serving 1,481½ days for petit larceny and carrying a pistol.

Instance No. 8. In Mississippi county a negro was found serving a sentence of 180 days for disturbing the peace.

Instance No. 9. In Craighead county a white man was found serving over 200 days for assault and battery.

Instance No. 10. In Miller county a negro convicted in a justice of the peace court was pardoned by me from serving a sentence of over three years for stealing a few articles of clothing off a clothes-line. He had served more than a year of this sentence when pardoned.



These are only a few typical cases. If they are not enough, an examination of my files will show many more.

There has also come to my office much complaint about the abuse of power by certain justices of the peace and the bad treatment of county convicts in Pulaski county, but at this time Pulaski county is working both her state and county prisoners on the roads or for the roads. Judge Asher has informed me that while some farm work is done by the county convict, it is done for the support of the convicts on the roads.

The management of the penitentiary has done the best it could in making investigations of these charges, and has caused the discharge of employees for permitting cruelties. They should not be blamed for such outrages, for reasons hereinafter stated. This board has no control of the county convict farms.

Anything but an iron-clad law for the care of the penitentiary and for its administration will be of no protection to the state and the inmates of the penitentiary. Under the conditions existing for the past several years, the state convict farm has been too small for the employment of all the convicts in the penitentiary. Under the imperfect statutes for working convicts on the roads of the state, not enough counties can avail themselves of such an opportunity. Under the law the penitentiary must be self-sustaining. Hiring out convicts when it is considered not practicable to work them directly for the state, is permitted. But the penitentiary management is enjoined to work them under the guardians of the state, the state to feed, clothe, and provide medical attention and otherwise to care for the convicts. Apparently, this is ample protection. But is it? Let us see.

Employment by the railroads of the state for the convicts has been considered the most profitable to the state when hiring them out, affording cheaper safe-keeping for the convicts and being more practical for the management of the penitentiary. Yet, while the convicts work for the railroads, the system in practice is that the railroads will not hire them from the state. All efforts to get them to bid directly for the employment of the convicts have so far failed. But a general contractor hires them. Usually but one man will make a proposal for their hire, and after closing up the deal for all the state has to let, he becomes distributing agent for their labor, and whoever may want them must deal with him.



Sometimes this contractor deals with the railroads himself. At other times he hires the convicts to a second contractor, who in turn hires them to the railroad. The state secures a dollar a day for each able-bodied convict. The railroads pay from \$1.50 to \$2.00 per day to the contractor for them. Just why the railroads will pay the contractor as much as \$2.00 a day for the convicts when they could get them from the state for \$1.00 or at most \$1.25 per day is beyond my scope of knowledge. In round numbers the state has lost \$40,000 of money the contractors agreed to pay it for convict labor during the past four years. No way has been found by the legal department of the state to collect this debt.

Convicts do not fare as well on the railroads as they do when working on the state's farm or on the public highways. Three-fourths of the cases of sickness and death originate in railroad camps. It costs the state much more to maintain them in railroad camps than it does either on the farm or on the public roads. In profits the farm yields the most revenue. On the public highways there is no cost to the state at all, while the communities get the benefit of the roads. When on the farm there are fewer escapes, and fewer guards are required. On the railroads, notwithstanding the large force of guards maintained, there are many escapes, and from this work many of the worst convicts in the penitentiary have gained their freedom, sometimes only temporarily, but often permanently. If they are recaptured, it is after the state has offered a reward. One-half of the convicts in the penitentiary, with the proper management, could be worked on the state's farm or on the public roads without guards at all. This is now being successfully done in other states with a worse class of criminals than we have. This being true, the expense can be very much reduced. But to do it, our laws on the subject will have to be rebuilt and specialists in the study and treatment of criminology employed.

But one of the chief reasons for continuing the lease system and existing laws has been the excuse that, with the large number of convicts we have, there was nothing else that could be done but to hire them out to contractors, especially since the penitentiary was in debt.

At this time, however, the penitentiary is out of debt. From the study I have made of the subject, and the information gained during the last four years as a member of the penitentiary board,

I am convinced that satisfaction to the state and the necessary protection to the convicts can never be had under the operation of such laws and such system as we have.

When the amount of labor performed by the convict is to be judged by personal interest, we can easily see how he may be imposed upon in the exaction of his tasks. On the other hand when the state is the only party in interest and the only one to be satisfied, there could arise no condition under which convicts would be underfed, badly treated or overworked.

Then, because of these existing facts and conditions; for the purpose of creating a new condition by which a just and iron-clad law can be passed for the abolition of the lease system; for hereafter putting all the convicts on the public highways of the state and on the state's farm; for reducing the number now confined in the penitentiary so that this result can be brought about; and to remove the incentive for the formation of an opposing lobby to fight such a plan, and at the same time to leave an adequate number of convicts to cultivate the state's farm, and to continue the improvement of the farm, I selected from the list of convicts confined in the penitentiary and on the county farms of the state the names of three hundred and sixty individuals. These all, on the 17th day of December, were pardoned, on condition that they become good citizens and violate no laws of the state in the future, and on the further condition that if they again violate any laws of the state they are to be returned to imprisonment to serve out the remainder of their terms without further process of law or expense to the state for court trials.

The convicts thus selected as beneficiaries were in the main those convicted of minor offenses and having short sentences. Some, however, were under conviction for graver crimes and longer terms. But practically all of these had served at least half their time, when considering the commutations given them under the law for good behavior. A few only were included in the list having reasonably long terms and short confinement. In such cases the judges of the court of conviction, or good citizens, had interceded in their behalf, giving good reasons for parole, and for that reason I had placed them on the list. In selecting this list of convicts, in my judgment I had not pardoned anyone not justly entitled to a pardon under the conditions named.



But my principal reason for discharging the large number was for the purpose of forever breaking up the convict lease system in this state: I would be untrue to my convictions, and, as I see it, untrue to the state's best interests, if I did not do everything in my power to bring about this result.

As before stated, there are enough convicts left to cultivate and improve the state's farm for another year. In the future, as the population of the penitentiary increases, all other convicts should be set to work on public roads. No convicts should ever, under any condition, be permitted again to be hired out or leased to a contractor.

The penitentiary can never be successfully managed until those who are charged with that duty have time enough to do it and are held responsible for that work and nothing more. It is as ridiculous to exact the enormous amount of detail work as is now required of the state officials composing the penitentiary board, in the management of the penitentiary, as it would be to put the management of the same institution under the faculty of the state university and require that body to do it. A state officer is not now elected by the people because of his knowledge of penology or fitness to care for criminals. Nor if he possessed such knowledge, would he have time to attend to his regular official duties and look after the details of the penitentiary too.

During my four years in office, the penitentiary board as a whole has not had time to visit a single railroad camp in the state. The board as a whole has not had time on over one occasion, as I remember it, to visit the state farm. As a body, all together it has not had time even to visit the walls of the penitentiary, near the City of Little Rock. There is not a single member of the penitentiary board now who has the necessary time to do all the work expected of him, and which he ought to do in the office to which he was elected.

The management of the penitentiary should be put in charge of a board of three competent men, appointed by the governor, and the governor should then be held responsible for the conduct of its affairs. This board should become acquainted personally with all conditions connected with the penitentiary, and with all prisoners, their records and penal history. It should recommend to the governor all pardons necessary to be granted, and the governor



should appoint such men as would inspire sufficient confidence to cause him to issue pardons on their recommendation only, without having to be worried to death while in his office listening to the appeals for pardon, which require at least three-fourths of his time. No convict should be imprisoned on a county convict farm under a contractor. County convict farms should be abolished altogether. If a convict cannot be worked on the public roads, he should be sent to the penitentiary. All convicts imprisoned for ten years or less should be sentenced directly by the courts to work on the public roads. If there are no public roads under construction in the judicial districts where the convictions are, they should be sent to some other district where road work is being done and where the equipment is sufficient to care for the convicts.

In concluding what I have to say upon this subject, permit me to suggest that I favor law enforcement. That I have been conservative in granting pardons. That I have not been unduly exercised from sentimental causes. That I have not issued pardons for political favors. That much of the opposition I have had has been from parties disappointed in securing pardons. That I believe it is right and just to punish criminals in severity and terms of confinement according to their crimes. But enforcing law by putting criminals in the penitentiary and then selling their flesh and blood to contractors after they have been bound and manacled in chains, under such conditions that the contractors are enabled to make fortunes, while from cruelty the lives of the convicts are snuffed out, is a different matter altogether.

Such abuse of power is a reflection on our intelligence, a repudiation of the principles of civilization, a crime against humanity, and, if continued, will cause a forfeiture of that respect which a state should maintain among the sisterhood of states of this nation. In a commitment which accompanies a convict to the penitentiary there is an implied judicial guarantee that, though he is deprived of his liberty as a citizen, he is still granted the right to live and to be cared for in a manner commensurate with sound reason, good judgment and human mercy. The state does not intend, nor should it longer permit, conditions to arise by which convicts may be subjected to such treatment that their imprisonment carries the combined penalties of loss of liberty, hard labor and severity of punishment until death itself may end their lives. If for the protection

of the state and the preservation of society the death penalty must be given, the courts and juries are the proper forum from which it must be pronounced. No civilized body of people on the face of the globe now authorizes death by oppression, or any other method except that approved by the most humane process and such as will give the least pain and the quickest death.

It is for the correction of the injustice herein named that I have taken the action I have in discharging the large number of convicts reported.

## PREVENTION OF CRIME

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BY ADOLPH O. EBERHART,  
Governor of Minnesota.

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It has been stated by an eminent authority on penology that the aim and nature of all prison discipline is, first, the protection of society and, second, the reformation of the offender. While this is true as to prison discipline, it represents only one obligation of the state to society. It is recognized to-day by all authorities on penology that one of the most important duties of the state to society is that of removing the causes which contribute to the commission of crime. Minnesota has taken a leading part in the care and treatment of the unfortunates in penal and charitable institutions. We are now building one of the most sanitary and modern prisons in the world and the management of that institution is admittedly one of the best in the country. In our prison and reformatory we have made provision for the employment and compensation of the prisoners and in many cases where families are found dependent upon prisoners, a certain portion of the prison's earnings is paid directly to the family. No state in the Union profits more by the labor of its prisoners, and it can, therefore, afford to be liberal in the payment of compensation, so as to provide for dependent mothers and children, who, through imprisonment of the husband, have been bereft of family support.

The one great principle involved in the prevention of crime is the maintenance of the home through which the children can be provided for, kept in school and given suitable recreation and employment. When the family is broken up and the children permitted to drift upon the streets without supervision, recreation or employment, it is only a question of time when some of them will finally stray away, drift into error and crime and land in our penal institutions. If there is anything that reflects discredit upon America it is the fact that our homes are so easily broken up, marriage vows so readily dissolved and the children permitted to pursue their own course without supervision or restriction. Any legislation, therefore, which will tend to keep the home intact and bind its members more closely



together, keep children under proper supervision and guidance, promote health, and assist in securing wholesome recreation and employment, will have a direct bearing upon the lessening of distress, poverty and crime. Where the parents are found unable to take care of the children, they should be given suitable assistance, for it costs the state only about one-half as much to assist a worthy mother in the care of her children as to provide for them in a state institution. Every effort, therefore, on the part of the state to lessen and prevent crime must be centered about the home.

Perhaps there is no reform more urgent to-day than the penal or workhouse farm. In examining the records of our workhouses, I have found cases where men have been committed more than thirty times. Whenever an offender does not reform after working out two or three sentences in the workhouse, he should be sent to the reformatory or prison. All workhouses should be provided with a large farm or such other means of employment for the inmates as will afford the least competition with free labor. The employment of short term convicts upon farms has been proven an unqualified success. In the case of a large city the produce could be either sold on the market or to other city or state institutions. Every convict should be permitted to earn fair wages, a portion of which should go to the maintenance of the institution and the remainder directly to the family or other dependents. Often in our large cities, when the father has been sent to the workhouse, the family is without support and the mother is compelled to go out on the street that she may secure sufficient work to keep her children from starvation. No one is left to take charge of the children. They drift away from home, fall into bad company, commit some crime and finally become charges of the state. The neglect of the city or the state to provide compensation for its prisoners and to turn over a sufficient amount of that compensation for the support of the family surely is a policy best designated as "penny wise and pound foolish."

Because of this negligence on the part of the state many efforts have been made by public and individual charity to support the mother and children and to keep the home intact. Some cities and states have provided a system of pensions for dependent mothers. This system is undoubtedly valuable when properly administered in providing temporary relief, but it does not reach the root of the evil. The arguments in favor of such a public charity are numerous. It

is claimed that the private charity organizations are too numerous and consequently more expensive in administration; that the pension system is more certain and permanent in providing regular income to the mother which will better secure the education and training of her children; that the state has more power in the regulation of health and sanitation, and that under its extensive system of schools and institutions, it can better assist the mother in directing and training her children; that the mother is entitled to secure this assistance from the state as a matter of right, and that it is the duty of the state to give it to her; that private charity is insufficient and that the state is better able to cope with it. On the other hand, it is argued that this pension system opens the public treasury to those who believe it inexhaustible and who otherwise would not depend upon it; that it will have a tendency to stop individual giving and the establishment of individual charities; that there is too much publicity connected with public charity, and that it necessarily parades the unfortunate before the people; that it is difficult to enact a law which will be sufficiently elastic to apply justly in every case; that the state has no agency which can properly administer this charity, except where specially created for that purpose, in which event the method of selecting officers is too cumbersome and too dependent upon change of political administration.

The obligation resting upon the state cannot be satisfied by the payment of these pensions. Where the husband has deserted the family, the strong arm of the law should reach him and compel him to contribute to its support, and where the husband has been committed to a penal institution, he should be employed and a sufficient portion of his compensation be allowed the family for support. It is of greater importance that the slums of the city should be removed; that parks and playgrounds for the children should be provided so that the children of the large cities may have an opportunity to play and develop under more wholesome conditions than they are afforded to-day. When the state has removed the opportunities for, and the temptations which lead to, the commission of error and crime, when the environments of the city are made more wholesome and attractive, the criminal records of the state will not be burdened with the sad story of so many boys and girls who have gone wrong. In ancient times a very unique test of sanity was employed. The person to be adjudged was requested to dip out water with a dipper from a tub

under an open faucet. If he kept on dipping he was committed, but if he turned off the faucet, he was adjudged sane. We shall always, perhaps, be compelled to dip out water by increasing the capacity of our penal and charitable institutions, but I am in favor of turning off the faucet by removing the causes which to-day are responsible for most of our poverty, disease and crime.



## REFORM THROUGH LABOR

BY EUGENE N. FOSS,  
Governor of Massachusetts.

In Massachusetts—and in other states as well—it seems to me that far too much stress is laid on long-term punishment, and far too little on remedial or corrective measures. In my inaugural message I urged that immediate steps be taken to prevent such a large and increasing number of persons from losing the power of self-support either through mental, moral or physical sickness. By moral sickness I meant to include all sorts of crime. I believe that a healthy man, well educated, healthily employed and free from inherited taint, has very little incentive to crime.

With the wonderful progress that is being made in the study of heredity, and with the present satisfactory condition of public health, the average man now starts out in life with a pretty fair chance. Our jails and prisons are not crowded with defectives; nor with the second generation of criminals. They are filled with unfortunates who have once fallen, often through accident, and who never again get planted firmly on their feet.

For such men, victims of their own weakness or of cruel conditions, there must be some hope for cure. Yet a study of jail commitments, here or in other states, shows a terrible record of second commitments. Men get out of jail or prison. But to their original taint is now added the taint of the prison; and they go back to confinement with less effort at self-restraint than they used at first.

The medical world would rise up as a body to condemn any method of medical treatment which left the patient more liable to a recurrence of the disease than he was to its first attack. And yet, everywhere men are being sent out of prison, with the prison pallor on them, penniless, weakened in body by unwholesome conditions and broken in spirit by the withdrawal of all hope, ambition and self-confidence.

They have been trained by prison discipline, but it is often a discipline which in itself is a punishment and which does not fit them for the conditions they must face when they are again free. They

have moved by iron rules; been regulated like clocks; but not encouraged as men or stimulated to take up the personal responsibilities of self-supporting, self-respecting freedom.

When a man gets well of a fever, even the clothes he wore are buried, but when a man gets out of jail the arm of the law hangs over him, like a policeman's club, and he never again has the sense of being quite a man, with the taint of prison quite removed. From the very instant he enters the prison walls he is different from his fellows. The law seizes upon him, measures him up and labels him, and he becomes, not a man working out his own reformation, but only "Number 110, second row of cells."

In sharp contrast to all this, an intelligent young prison employee came to me the other day and pleaded that if ever a man is going to be helped in prison, the time to begin is when sentence is passed upon him—before he is measured, numbered and put away. He said you could save his personality if you kept on a little longer treating him like a man.

I have been wonderfully impressed by the success of Judge Lindsey's Juvenile Court in Denver, and by similar methods which have been applied in other western cities to grown-up offenders. In some places criminals are sent to jail with no guard, going freely on their honor; even when they reach the jail they find no prison wall, no armed guard waiting to shoot them down, but only a chance to test their own manhood again: a chance to live in a wholesome place, with sun and air, fair treatment and every incentive to regain their own self-respect. I realize that these measures are extreme, and radically opposite to the customary prison methods; and it may be necessary to proceed cautiously in following them. But they have proved effective, and they promise the only hope of betterment that I know of.

We can begin to work toward them by gradually abolishing our city prisons, with their dark cheerless interiors, and building our future houses of correction out in the country where the sun and the wind can get in, and where all the men who do not forfeit such right can work in open fields. There's nothing dangerously radical in that! For surely it does not help a criminal's reform to take the color of health out of his skin and the strength and elasticity out of his muscles through confinement in stone cells.

Gradually the idea is growing that crime is not only to be pun-



ished but cured. Not merely punished after it shows, but forestalled and headed off before it gets a hold. We are beginning to realize that the only power we have in the world that counts for anything is the power of self-reliant manhood and womanhood. Probably no child ever went from its mother's arms out into the world that did not have at least a spark of that power within him. And we are beginning to see that it is the function of our courts and our correctional institutions to foster that spark and never to snuff it out.

Again I hope to see a wider use of the indeterminate sentence. I believe it is the very essence of good policy when wisely used. Take the case of a man who is sent up for some small offense by a rigorous court; he listens to the judge, and remembering some similar case where only a few weeks were imposed, he hopes for sympathy and a square deal. It is enough to freeze the heart in him when he hears a sentence of ten years imposed upon him. Instantly he feels that society is his worst enemy; that all men are against him, and the chances are that the thought of murder is formed in his mind for the first time when he knows himself to be the victim of such unequal justice. When he does get out it is only to prey upon society and get revenge for what he honestly believes to be his "wrongs."

An indeterminate sentence, on the other hand, causes hope instead of despair to spring up—and the criminal is led to feel that his future is partly in his own hands. That helps to keep his hopes and his self-respect from utterly dying out, and, though he is no less a convict, he has at least a fighting chance to regain some of the ground he has lost.

There is one more matter of great importance and that is the matter of work. No man, even with his full freedom, can long remain healthy and happy unless he has work to do. Not brutal, dogged work, but interesting, helping, successful work. It may represent a very small daily profit, but it makes little difference, provided it furnishes material for mind and body to work upon and suffices for his support. And I fail to see why the same is not true of the man in prison. He may not be free to roam about; but at least he ought to be free to do something within the limits of his ability which will produce useful results. The work forced upon him may be so foreign to his personal "bent" as to be only an added punishment; but



every man, in prison or out, who is worth thinking about, wants to do some sort of work and will, if he gets a chance.

Therefore I hope to see the reformation of prisoners helped out more generally by useful activity, considered as an actual means of helping them, planned and conducted for that purpose. Too often prison industries are regarded only as a financial help to the institution, and men are forced to work as part of their sentence and not as part of their cure. Too often, in one state after another, and we in Massachusetts are not wholly blameless, the labor of the prisoners is donated to an agent or contractor, as something without value. Work done under these conditions is a curse and not a cure. It is necessary, if we are ever to have in America a sane and hopeful system of penology, that all able-bodied prisoners be given the opportunity to work at something that will help restore their sense of usefulness and responsibility. Even if a man never gets out of jail he will live and die a better man for simply being busy at some simple thing which he can do well.

Such a proposition must be considered from the most level-headed viewpoint; there must be nothing visionary or sentimental about it. It is a clean-cut matter of what might be called medical treatment applied to the moral nature of a man. And there is a very practical limitation to it. No prison industry ought ever to come into competition in the markets with the labor of free men, as is often the case. The safe, middle ground is to use the labor of our prisons and reformatories to create merchandise to be used in all public and charitable institutions where it will never reach the general market at all. That system is succeeding well in New York, and I understand that it has the hearty endorsement of the laboring men of the state. We have fragments of the system here in Massachusetts, and I hope to see it applied uniformly throughout the institutions, to the exclusion of every other method.

Some definite scale of values ought to be fixed for prison labor, in accord with the individual's ability. The prisoner ought to know that what he does actually counts as something of definite value. That is the best moral incentive he could have to do still better. That helps to make a man of him, if he has not already gone or been forced too far down. I do not propose for a moment that any prisoner should receive cash wages. But if he earns a profit over the cost of his keep the money can be used to his advantage.

For instance, a fund can be built up to help him reestablish himself when he gets out; or if he has a family, something can be paid to keep that family together while the man is in confinement. I can imagine nothing that would give hope and courage to any sort of a man so much as feeling that he had not lost his usefulness, even though he had lost his liberty. I think that nothing would help a family man so much as to feel that, though he had fallen, he was still the husband and father of his family, working for them and for the chance to regain his standing in the community where they live.

These points upon which I have barely touched I believe have to do with the very foundations of society and that it rests upon us as citizens to fight for these reforms. The medical profession no longer concentrates its efforts upon the cure of disease, but upon its prevention. And the same thing must be done with all moral maladies. We must get at the future criminal in the very inception of his criminal acts; we must seek to keep the spark of self-respect alive and help him back rather than push him on by breaking down his manhood.

## NEW THEORY AS TO PUNISHMENT OF CRIME

BY HERBERT S. HADLEY,  
Governor of Missouri.

It is during the course of only the last ten years that the people of this country have begun to recognize the necessity of some change in our system and method of punishing those guilty of criminal offenses. We have pursued the mistaken theory of punishing the crime committed instead of dealing with the person who commits it. We punish the offense instead of trying to reform the offenders, or to correct the conditions which produce them. The result is that the population of our jails and of our penitentiaries is increasing more rapidly than the population of the country. There can be no denying the correctness of the conclusion that something is wrong with the conditions of society and of industry and with a system of punishment for crime which produces criminals relatively more rapidly than the increase in population. A continuance of such conditions unchecked must eventually result in the overthrow of organized society and of government itself. It is only within the last ten years that there has been made any effort to correct this dangerous tendency.

Missouri enjoys the doubtful distinction of having the largest penitentiary in the world; that is, we have a larger number of prisoners confined within four walls than is to be found in any other state or country. This is because the state has failed in its manifest duty to establish a state reformatory for juvenile and first offenders. The Training School for Boys at Boonville has become little more than an institution for delinquent and deficient children. The influence of those interested in prison contracts, and of those who have acted upon a false theory of economy, has, in the past, prevented the establishment of a state reformatory. The result is that there are, approximately, 600 boys twenty-two years of age and under confined in the penitentiary, daily associated with experienced criminals. After serving a term under these conditions the chances are that the young offender will follow a life of crime. The establishment of a state reformatory would not only provide a place



where these boys, most of whom are accidental or unintentional criminals, could be confined under conditions and given instruction which would have a tendency to make them useful and law-abiding members of society, but it would also help to solve the present prison labor problem.

By the act of the last general assembly there was a declaration of the intention of the state to abandon the present contract labor system.<sup>1</sup> Unless that policy shall be changed, which I hope will not be done, there will, during the course of the next year, when those contracts now in existence terminate, be something over 2,000 men and women in the penitentiary for whom employment must be secured. It would be inhuman and barbarous to confine them in idleness. The chief difficulty is to find some employment in which prison labor will not be brought into competition with free labor. The policy of employing convicts upon the roads is an advisable one, but, owing to conditions in this state, it is doubtful if more than a small portion of the convicts in the penitentiary can be so employed. As far as feasible the prisoners should be used in the building of public roads, and the experiment of Cole county under the act of the last legislature, will, I hope, in time, lead to the employment of an increased number of convicts in this work in other counties. The question of prison labor was quite thoroughly investigated by a special committee of the state senate of the forty-fourth general assembly, of which former Senator F. M. McDavid was chairman, and the recommendations of that committee are deserving of consideration. My suggestions upon that proposition, in addition to those already made, are:

The purchase of sufficient land for a reasonably good-sized farm, with provisions for industrial training in a state reformatory.

The making of supplies for the different state institutions and departments, in both the penitentiary and the state reformatory.

Further, I believe there should be purchased an extensive tract of land upon which convicts confined in the penitentiary can be employed. The price of farm products is controlled by world-wide

<sup>1</sup> The contract system, after the expiration of existing contracts, and the public account system, except in the case of binder-twine, are prohibited. The working of 300 state prisoners on state roads is allowed. Hard labor, eight hours a day, is prescribed as a means of industrial training and the production of supplies for the state and political subdivisions, including all the public offices and institutions, together with building material therefor, is authorized. Beginning April 1, 1912, at least 300 convicts shall be added each year to the number thus employed until all are employed. *Laws, 1911, S. B. 23.*

conditions and prison labor thus employed would not be brought into competition with free labor. Such labor would also have a tendency to improve the physical health of the prisoners and that in time will also tend to improve their intellectual and moral health.

In addition, I believe there should be established at all state institutions possible a plant for the production of ground limestone for fertilizing purposes. While there are a number of private concerns manufacturing this product, which would doubtless object to this plan, the freight rates and the low cost of this product are such as to make its shipment for long distances practically prohibitive. The value of ground limestone as a fertilizer of soil has been conclusively demonstrated.

I believe that an investigation of the management of the penitentiary and the treatment of those confined there during the last four years will show that as good results have been secured as were possible under existing circumstances. The physical condition of the penitentiary has been greatly improved. With a slight increase in cost there has been a marked improvement in both the quality and the variety of the food, with a considerable improvement of the health and disposition of the inmates and the lack of the necessity of discipline and punishment. The records show that the cases of sickness during this time are far less than during any similar previous period. And I am assured by Captain Porter Gilvin, who has been connected with the penitentiary for over twenty years and who for seven years as deputy warden has had charge of the discipline, that the number of cases of punishment during the course of the last four years has decreased over fifty per cent. Stripes have been abolished and a suitable uniform substituted. The guards have been uniformed and special instructions as to the duties of their position have been given. Corporal punishment has been practically discontinued. No outbreaks or acts of general insubordination have occurred during that time, although in former times they were not infrequent. I heard the statement made by Major McClaughry, the warden of the federal prison at Leavenworth, Kan., one of the best informed men on prison conditions in the country, that as much improvement had been made in the conditions in the Missouri penitentiary as was possible to have been made within that length of time.

Further improvement, however, demands a change in condi-



tions. One of the most important improvements demanded by conditions in the penitentiary is a tuberculosis hospital or building in which the prisoners afflicted with tuberculosis can be confined.

I have given thus somewhat in detail and at length the facts as to prison conditions and as to the policy that has been pursued by me in the granting of executive clemency, not so much to justify the course that I have pursued, or to answer the criticisms that have been directed against it, as to suggest needed changes in dealing with the problem of punishment of crime and the prison labor problem in this state. The policy that I have pursued has been absolutely necessary from the standpoint of the public welfare in the absence of a board of pardons and paroles and a state reformatory.

The chief executive should, however, be relieved from the burden and responsibility of dealing with these cases. By virtue of his position he is generally regarded as the leader of the political party that nominated and elected him. For this reason he is peculiarly subject to and liable to unwarranted and malicious attacks by sensational and unscrupulous newspapers for granting executive clemency to those convicted of crime. And it is easy, by a failure to publish the facts upon which clemency in each case was based, to mislead and to prejudice the public mind against a proper policy of executive clemency. If this work was done by a board of pardons and paroles, the decision of such a board would assume something of the form of a judgment of a court. And, in addition to providing a better and a more complete investigation of the merits of the different applications, such a board would be to a large extent exempt from unwarranted attacks and misrepresentations to which a governor is liable to be subjected. I also believe that such a board should have the control and management of the penitentiary and the other penal and reformatory institutions of the state, together with the power of appointing the warden or superintendents of these institutions. Under the control of such a board these institutions could be more effectively and economically managed, and the members of the board would thus be better informed and better qualified to deal with the question of clemency of those confined in such institutions.

By the adoption of each and all of the suggestions herein made I do not, of course, expect that the commission of crime in this state can be brought to an end, or that there will at once be any



appreciable diminution in the number of offenses against the law. But in the course of a period of years such a policy, if pursued in this and other states, will of necessity bring about a correction of the present alarming increase of crime in this country. And what will happen if this tendency is not checked is easy to foresee. The system of punishment that has been pursued in this state, and, until recently, generally in this country, has in a great majority of cases sent forth from prison those who have been confined there broken physically, mentally and morally, and worse enemies of society than when their punishment began. Such a system is clearly a wrong one. No system of punishment, in fact, is justifiable or a benefit to society unless those punished are at the end of their confinement better men physically, mentally and morally, and less enemies of society than when their punishment began.

## THE PROBLEM OF PRISON LABOR

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BY OSWALD WEST,  
Governor of Oregon.

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The prison labor problem, like the poor, seems to be ever with us. It was yesterday's problem, it is to-day's and will undoubtedly be to-morrow's. The yesterday of the problem was not so serious, for it was an easy matter to toss the poor criminal into a dungeon to die of disease and famine, or to make a slave of him, social conscience neither accusing nor excusing. The to-day of the problem is witnessing the dawn of a new awakening of social and industrial responsibility unfelt before. Who shall say what the to-morrow of this problem shall be? That it will be a trying problem is assumed. As long as we have crime and criminals, and they are not growing less, we shall have to face the essential problem of the prison—labor.

To teach the untaught criminal to work, and to keep him at it; to keep peace between contending laborers within and without prison walls; to make prisoners pay their way in dollars and cents and not ruin the prisoners; to dispense justice in the social and economic realm of the prison world; to satisfy the insatiable whims of the idealistic reformer who wants perfection of system immediately if not sooner—all this is called for to-day in our prison problem. In the face of such a task we must confess that we may hope for no more than simply to qualify in the race, and rather expect to be distanced in the conclusion.

There are things which delay the solution of the problem. While we know this solution will come to-morrow—in the to-morrow that never comes, which still is always arriving—there are checks and hindrances which are trying indeed. In the first place, lack of knowledge is a great handicap in the unraveling of the tangle. We have our National Committee on Prison Labor which has done well in gathering the facts for us; our social students are doing not a little of a sort of telescopic observation, but we are still waiting for a fuller classification and analysis of facts. The science of penology is new and uncertain as a science. It is growing, but it is slowly

growing. We are still in the penumbra of ignorance and prejudice, hoping that the eclipse will soon pass. And while we wait we trust the state and nation will not fail to encourage the splendid work of our scouts—our commissions and social students who can and will bring the needed light.

But ignorance is not the only thing blocking our way. It is sad to relate that the demagogue is abroad in the land, stirring up prejudice and antipathies. Prison systems and policies can well stand the honest and truly patriotic muckraker, but calamity comes when this petty and detestable muckraker wants to favor his own personal interests at the expense of every one's reputation and even the welfare of the state. One great hope cheers us here: they that be for us are greater than they that be against us. It is altogether fitting in the face of this enforced delay to study and to confer, to watch and to wait, to possess ourselves in hopeful patience.

At the outset it seems to be the essential thing in the consideration of prison labor to state in some sort of a comprehensive way what the phases of the problem are. As a kind of finger board to point the arbitrary way I take, let me indicate them thus:

1. The putting to work of every prisoner in all our prisons.
2. The keeping of him employed in the face of narrow politics and hot competition.
3. The providing of such employment as will produce the best result upon the criminal and bring the best returns to the state.
4. The following of the lines of least resistance as long as we can deal honestly and still get results.

Here are four phases of the general problem of prison labor. Under one covering we have here, as it were, four nuts that we shall find hard to crack.

Our first task is the evident one of getting every prisoner in all our prisons to work. In this day of enlightenment, it does not seem that it should be necessary to insist upon such a procedure. But when we consider the fact of the enforced idleness, or at least half-idleness in our prisons, and especially in our county jails, we must insist that the first task before us is to see to it that every prisoner in all our penal institutions gets busy. Eight months ago when some of the responsibility of our state penitentiary at Salem fell upon me, over one-third of the men at that institution were passing dreary days in enforced idleness; they were rotting in their cells,



smoking their heads off in a desperate effort to kill time. This enforced idleness which has been so prevalent in our prisons is utter folly from every standpoint. It ruins men. It costs the taxpayer. The ordinary criminal does not find it to his liking to be thus shut up in his cell. The tramp on the outside of the prison wall thinks he wants surcease from toil, and, strange to say, he usually works hard for it. But when it is handed to him in the allopathic doses of the ordinary prison, he begs for the chance to work. And he ought to have the chance. "Labor was the primal curse," Cowper tells us and adds this significant saying, "but it softened into mercy, and made the pledge of cheerful day." Labor is absolutely essential for the full development of the criminal. Just note what happens when the usually untutored, unskilled convict goes to work. He learns to use his hands, he becomes an artisan; he learns to be a co-laborer, his social life is unfolded; he learns application and his moral nature is strengthened; he lifts his head in pride over a task well done; he comes to himself to save himself. That such development is needed, and is really being wrought out, is to be witnessed where this system is employed. That such helpful influences should ever be withheld from the needy criminal is utter folly.

The second phase of the general problem is that of keeping the prisoner at work in the face of trying opposition. It seems a strange thing indeed that any one should desire to withhold the privilege from another of producing something that the world wants and needs, but strange things do happen. We are told that for the last one hundred years there have been those who would like to produce a non-producing unit of the criminal, or eliminate his product entirely from the commercial world. Just now perhaps the greatest aspect of the prison labor problem is that of its difficulties in competition with free labor. But the deeper I go into the problem the more I am convinced that this great cloud upon the horizon has little storm in it. From the cries and prayers that have come to me during the past eight months of my office, I think I see the difficulties, and from my own knowledge of the case, I think, too, that I can see behind the difficulties the clear sky.

May I state these difficulties in this three-fold way:

First, there is the manufacturer without the prison walls, who has been looking with envious eyes over the fence upon the manufacturer working within. He has seen what seems to him unfair

play, and I hasten to say under some of our present systems he is often unjustly discriminated against. He sees the state or the corporation getting labor for nothing, or nearly so. He often sees free rent and free power. But the most exasperating of all, he sees no way to secure this productive franchise except by "System's" method of "long green." Of course, all these conditions do not often prevail, but there is usually enough of them present to mar the game of open competition.

In the next place, free labor has its hue and cry, and they, too, not often without cause. Those who know anything of the labor situation, know that, even though the prison competition is small, still it is sufficient as a disturbing factor. It is not the volume or the percentage that plays havoc, but the nature of the competition. Markets are flooded with cheap and shoddy goods, and consequently the most needy unskilled laborer who has previously manufactured these goods is thrown out of employment. But the most serious damage is the lowering of the living which transpires because the prisoners are state-fed, and their families, if they have any, are usually taken care of by charity. With labor so cheap the state or the lessee has too much of a chance for monopoly in many quarters, and we have seen the state become a rank monopolist, notwithstanding the public feeling of hatred for such a thing.

In the third place the difficulty of keeping the prisoner at work arises from an overzeal in securing money for the running expense of our penal institutions. Prison managements have too often arrogantly defied all labor organizations in haste after the dollar. It is simply robbing Peter to pay Paul. Free labor has a right to resist the proposition of being preyed upon to save the taxpayer, coddled with that bit of sop that it does not matter, for "at last labor pays all the taxes." Prison boards and officers are servants of the state and ought to serve the prison to help it serve every one in the state. They ought not to set themselves up in business as rivals or competitors in the crowded markets, forcing their goods on to the market, which, although cheap, are still undesirable because they are too cheap and disturb the markets. The zeal of the superintendents and the prison boards ought to be matched by a safe and sane discretion in choosing the industries which will help and not hinder trade.

But I am chiefly concerned in giving my reason for a belief



that these difficulties are only transient, and that sooner or later they will disappear. I have a feeling that an enlightened publicity would bring a solution for all the difficulties that may arise with the outside manufacturer. Prison authorities should be bound to let contracts only that had been regularly advertised and let them only to the highest bidder. If the public is aware of the whole business and all the manufacturers have an equal chance, there can be no complaint except for their own stupidity that the contract was not theirs. Publicity is a great thing in our day; graft and subterfuge cannot abide its light. Also free labor's cry for protection, and the prisoner's desire for a chance will in the coming day be realized if we work and wait. When the prisoners' plea for mercy and the free laborers' call for justice shall both be echoed back from the hill of the Almighty's good time, the answer will be in unison, "peace and good will." I do not mean to infer that free labor is not merciful to our prisoners, for I have found it different. When in Oregon we want some one to help out our prison reform work we find none more willing than the labor circles, and especially those fraternities which are closely allied to labor. Not long ago two of these groups of laboring men presented our prison boys a magnificent piano and moving picture machine as a token of their sympathy. Personally I have every reason to know that outside labor is not antagonistic, but is sympathetic. Their chief objection is directed against the state or the corporation that is exploiting prison labor. To see the trouble settled we must eliminate the demagogue, from whose glib tongue issues the venom of prejudices; we must outlaw the lease system and much of the contract system of prison labor, at least that part where publicity is wanting. Then I feel sure that free labor and all concerned will join in our wholesome reform. And we think the day-dawn of this new order is at hand.

But there is something of even greater consequence in our prison labor policies than that of getting a man to work and keeping him at it: it is our third consideration of making that labor productive of greater moral good to the criminal and still remunerative to the state. Here is a hard task. Here is the critical issue as it seems to me. To do any kind of work is a good thing; to do a fair day's task is better; but to do well an appropriate task is the best of all. And really in this world is there not too much time serving, too many perfunctory tasks? And is there not too little labor of exalted



purpose? I know that many have lauded labor *per se* to the skies. One writer of old said exultantly, "Next to faith in God is faith in labor." Voltaire once said, "Labor rids us of three great evils—irksomeness, vice and poverty." Good! But this is too much said for mere labor. All these good things and much more might, however, be said of what we may call spirited labor and utilitarian labor.

Spirited labor is the kind that tells for the convict. What a sad commentary on the spirit of our prison labor, when it takes on an average three convicts to do the work of one free man. We know that this slump of effectiveness is not due so much to ignorance or physical disability as it is to a broken spirit. There has been nothing to work for, no incentive. In Oregon we have been experimenting; we have done what we could to put new life in labor, and our results have been greater than we anticipated. There have been two things with us that have helped wonderfully to cheer the convict, to lift his face and to put a new song in his heart. First we have given him a few cents for a good day's work. Early this spring we told the boys in the brickyard that they were not doing enough and that we would give them \$2.50 for each extra thousand bricks they made in a day. They got busy and increased the output of the brickyard fifty per cent over the previous time, and the boys are making thirty-five cents a day, and incidentally another thirty-five cents per day is placed in a fund which we use to pay other trusties. All of our outside men, or "trusties" as we call them, are working without guard, and I am proud to say that now this list of trusties comprises fifty per cent of the men of our institution, and most of them receive twenty-five cents or more per day for their labor. We sent sixty men to a nearby hopyard to pick hops, and they made for themselves fifty cents a day and turned in a dollar a day to our trusty fund. To this list might be added those who receive "prize money" and "overtime" pay from the foundry and shops. This makes it possible for many prisoners to make something after their first six months. A little bank account in the front office has the significance of a certificate of deposit in the great bank of character. And this money helps to solve another of our trying prison problems, that of dependency of the prisoner's family. Suffering wives and children now get a little offering from this small account and, best of all, our prison boy leaves with his head up, not as an object

of charity. He goes as a really free man to gain his lost estate. Charity handed to any man is a load upon his soul, but the little bank account is an Alpine staff with which to climb to higher altitudes.

Along with the few cents which are such an encouragement to the prisoner is another thing which we find cheers and strengthens, that is our honor system. It is a small thing to bestow honor and confidence, but it is a wonderful working thing among the boys who have usually been kicked on in the way to perdition. We pride ourselves that sixty per cent of the men serving time are out on honor, some twelve per cent on regular parole or what we call "trusty paroles," and the other fifty per cent are trusties, many of them working at other state institutions. In the past eight months only three of our trusties have tried to run away; two got away, and during the same time only three regular parole men broke parole, and all of them were brought back—an unusual record! But the effect on the men to get them to work cheerfully is a thing noted by all who have witnessed the system. One of our trusties who has been spending the summer with others in a camp not far from our capital city, where they have been building roads, expressed a sentiment at a little dinner given for the boys and me, and the sentiment of this speech ought to be embossed in all our prison policies. He said: "The best we can do under such circumstances as these (referring to the honor bestowed) is too little, but under the old regime, guarded by cold steel, the least we could do seemed too much."

And there is still the higher consideration, namely, that labor transforms a man's life. If we do not forget that the chief end of the prison is reformation, we shall keep constantly in mind the effects of labor upon a man's life, as well as the fruits of it. Labor ought to be such as will fit the prisoner for a better place in society. A variety of occupations ought always to be provided, so that a man can follow that which is his natural bent. Labor that is to one's liking will be cheerful and, if it be for a good end, will react upon the man's life to transform and redeem it. Nothing less than this ought to be our goal in our ambitions for prison labor.

Now the final phase of the prison labor problem to claim our attention is merely the suggestion of following the lines of least resistance. Of course it is not intended that this dogma of following the lines of least resistance is to be practised by ourselves or the



prisoners when we want to evade work, but I mean that it is our duty to steer clear of difficulties in prison policies whenever we can. The economic and social and political seas are full of rocks and we ought to have judgment enough to keep to the open as much as possible. For this reason I give my heart and hand to the "state-use system" of employment of convicts. It has some difficulties, but they need not distress us. And when all state institutions are as near at hand as they are with us, in and about our capital city, this system is simplified. As we can use policy in the selection of systems of employment of prison labor, it seems we ought to use policy to go not too far in the adoption of whims of reformers, but rather a system of affairs to await the testing of these new programs; in other words to make haste slowly. But here again policy demands that when clear and simple duty confronts us we must not withhold our hand in the name of conservatism.

In conclusion, and as a sort of summary of my sentiment, will you allow me to propose what I want to call a Governor's Creed relative to prison labor:

1. I believe it is my duty to learn all it is possible for me to know about this problem before me. I welcome the enlightenment of social students and commissions, and, most of all, must know the prisoner, the officers and the prison plant at work.

2. I believe I ought to do my part in the solution of the problem. "By the sweat of a man's brow shall a man eat his bread" is a divine edict which applies to me as well as to the boys in prison and those who serve under me.

3. I believe in the prisoner. Some have turned down my confidence, but I believe in them all just the same. They are savable, and they cannot get away from my good wishes for them.

4. I believe in plenty of wholesome, cheerful and useful labor for the prisoner. With Carlyle I say, "Give me the man who whistles at his work," also the man who is able to produce something that will make the world happier and better off.

5. I believe in the outside manufacturers and in free labor, and my office is always open to their petitions, and I am glad to join hands with them to help our unfortunate brother who for his folly must spend his days behind prison bars.

6. I believe in the state I serve. It is deserving of my



best efforts to make our prison self-supporting, and we will do it, too.

7. I believe in keeping plugging away and let the critics howl.

8. I believe that Jesus Christ and John Howard and Abraham Lincoln were full of gentle sympathy and stern justice, and did all they could to help the unfortunate. I want to emulate them.

## THE IDEAL FOR KANSAS

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By J. K. CODDING,  
Warden, Kansas State Penitentiary, Lansing, Kan.

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The ideal for Kansas in the management of her penitentiary is to make the institution a reformatory instead of a deformatory. Men are convicted of crime and sentenced to a penal institution for three purposes: First, to relieve society of the burden and handicap of having her misfit citizens violate law and interfere with the orderly and progressive trend of social life. Second, to deter others from committing like offenses. Third, to reform the man who is a misfit and better fit him to return to civil life.

The penitentiary is particularly concerned in this last proposition. Of the 1,000 men who have been received at this institution in the last three and one-half years, fully one-half of them were hungry, not simply hungry for one meal, but starved in blood and fiber, improperly nourished, and lacking vital force. It is a rare thing to receive a prisoner who has ruddy cheeks and vigorous health. A great number are sexually degenerate or defective, and this can be traced to their lack of proper nutrition.

It may well be said that crime is a disease—a moral disease—and that it has its breeding places where tuberculosis and other physical diseases have their breeding places. Society, failing to cure this moral disease by prevention, by stamping out the causes of crime, has adopted the method of sending the victims of its own mismanagement to the penitentiary. The duty thus devolves upon the penitentiary management to do for these defective men what organized society on the outside has failed to do, viz., bring about a reformation in their lives.

The following programme is essential in the rebuilding and reconstruction of broken men:

First, discipline, wisely and firmly administrated. That discipline which gives the prisoner a bath once a week and changes his clothing as often, that gets him up in the morning at six o'clock, that puts him to work at seven, that gets him to and from his meals

right on time, that puts him to bed at night at nine o'clock at the tap of a bell, that requires him to march and halt, to carry his shoulders back and his head up, to move with precision and at a command, and that compels him to treat his fellow-prisoners with kindness and his superior officers with deference.

Second, labor—productive labor and plenty of it—that teaches his brain to act and his hands to do, that counts the day poorly spent unless he has done something, builded something, mined something; that not only teaches him labor, but the continuity of labor, keeping at it day after day, week after week and month after month; that kind of labor that is not only constructive of things, but constructive of the man himself.

Third, proper bodily care and treatment. The criminal tendencies in a great proportion of the men disappear, as with proper food their blood reddens, their body rounds out and their fiber takes the place of flabby muscles and soft tissue. Few realize the value of proper nutrition in the repair of this human wreckage. Crime is committed by the anemic, the half-starved; by the dull-eyed, listless moving specimen of humanity whose main sin consists in a poorly nourished body. A good place to sleep, newspapers, books and regular recreation are essential in the restoration of the moral health of these men. A half hour's relaxation at noon at which the men play ball, pitch horseshoes and indulge in athletic games is as much a part of the regular programme of the institution as is the day's labor or the regular meals.

Last, but not least, is the moral and spiritual training that the men receive. Ten per cent of the men who enter the Kansas State Penitentiary are illiterate, and another twenty per cent can scarcely read or write. A night school every other night for seven months in the year furnishes four hundred of these inmates an opportunity to broaden their vision, to learn the rudiments of an education, and others to take up special work in electricity, stenography, mechanics and agriculture. Three hundred and twenty-five of the eight hundred and sixty men are voluntary members of the Bible class, with twenty-six prison teachers. This spiritual training is a great force in molding the men for the better and fits them to live up to the parole regulations. These require them not only to refrain from visiting pool and billiard rooms and saloons, and to spend their evenings at home and to support their families, but demand



that they attend church once each Sunday. Senseless rules and regulations, such as the folding of the arms, the lock step, the averted face, the striped suits, silence at work and on the playground, all have been abolished, greatly to the men's benefit. Instead of trying to break the prisoner's will, as was supposed to be the proper way, every effort is made to strengthen his will, appeal to the manhood that is in him, urge him on to better living, better thinking and higher ideals.

This policy during the past three years and a half has been so successful that seventy-five per cent of the men who leave the institution go out to make good. The prison hospital is practically empty; not to exceed one death a year from tuberculosis is the record in three years and a half, although during the year ending June, 1909, there were nine deaths from this disease. So successful has been this mode of warfare against tuberculosis that the management is returning into the state treasury the money appropriated for a tubercular hospital, because none is needed.

The prisoners are clear-eyed, move with a quick step and have a desire and an ability to do better work. They are amenable to prison discipline, the punishment record is low, and upon every occasion presented the prisoners themselves have responded to this modern method of handling them. Kansas believes in the making of men instead of the unmaking of them. She believes that these men who have been failures and worse than failures can be developed into an asset rather than a liability, and through her Public Welfare League she expects within the next few years to offer strong examples of her ability to cure crime, not by sending men to the penitentiary, but by prevention. She expects to show that the conservation of the human family is the greatest subject before the American nation; that by applying constructive principles in her cities, the unemployed, the ignorant, the unsanitary, may be given a better vision of life, may be reformed without the intervention of a penitentiary. In other words, Kansas expects to show through her public welfare work that the way to cure crime is to prevent it; the way to purify a stream is to commence at its source and not at its mouth; that to the abolition of the saloon she will add the annihilation of the bawdy house, the gambling den, the pool hall and other Kansas crime-breeding centers. And when she has accomplished this, she will have justified the sentiment of

that greatest of American women, Frances E. Willard, when she said: "Kansas is away out on the picket line of progress where mortal commonwealth has never gone before. It may be called, with entire propriety, the State of First Things—the pleasant garden plot on which God tries experiments with humanity to see how large and free we are capable of growing."

## PRISON LABOR ON PUBLIC ROADS

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BY THOMAS J. TYNAN,

Warden, Colorado State Penitentiary, Canon City, Col.

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Colorado owes many of its wonderful thoroughfares and scenic beauties to the men who are housed in the gray prison at Canon City. The highway to the top of the Royal Gorge, the skyline drive, the new Santa Fé trail, and others—always a source of wonder and delight to thousands of visitors—are but the triumphant vindication of the "honor system" of working convicts on state highways, exemplified in Colorado. This system has revolutionized penology and has demonstrated that through it the greatest good from financial, commercial and industrial vantage points can be gained for the community, as well as for the reformation and reclamation of the criminal element. Splendid highways have been shot through mountain fastnesses, splendid manhood has been made from degraded, sullen and vicious men, and this has only been possible through a system founded on appeal to the best in man.

Convict labor on highways, as practised in Colorado, Oregon, New Mexico, Wyoming, Arizona and Utah, is more or less of a new feature. It is not to be confounded with the southern "contract" camps, where men are sold at auction to the highest bidder. From an economical standpoint, it has been a tremendous saving to the taxpayers of the state, and has given them roads equal to any in the world. From a reformatory standpoint, it has been a still greater saving to society in lessened criminality, to the men themselves in increased self-respect, stamina of character and an added sense of reliability.

The first convict road camp was started in 1908. The work progressed slowly, and entirely too much attention was paid to the safe-keeping of the men at work. A short time after my induction into office as warden of the Colorado State Penitentiary, we enlarged upon the honor system, increasing the number of camps, eliminating every vestige of armed guards and placed these men solely upon their honor, with the result that more than triple the quantity of work was performed. The men worked with an energy and a zeal that have never before been equaled; they worked so



because they felt they were working for themselves, to retain the precious privilege of sunshine, outdoor work and the additional ten days a month that the road work permits to be deducted from their sentence, in addition to the good time allowed by law for good behavior. The camps are modern, sanitary and with no sign of physical restraint usually associated with prison life. The men pledged their word of honor and splendidly maintained it, establishing a standard of morals in the criminal world that has disproved the denunciations that the system was anarchistic, dangerous and foolhardy. The road camps are the hope of every man in the prison. The men are decently clothed in blue or khaki, they are better fed, work eight hours per day, and on Sundays their time is their own to fish, swim, play ball, listen to the phonographs or otherwise amuse themselves.

By working convicts on public highways, we have saved the state many thousand dollars, and the taxpayers have received the benefit of this tremendous saving. To give an idea of the great saving to the state, I wish to quote a few figures, based on actual facts. During the years 1909-10 we built fifty-seven miles of finished roadway, much of which had to be blasted out of solid rock, at a saving to the taxpayers of the state of over \$160,000.

During the years 1911-12 we built 157 miles of finished roadway at a total cost of \$46,805.44, or at a cost of \$298.12 per mile, saving the taxpayers of Colorado \$223,479.56 in actual cash. The above figures are based on contractors' estimates. The cost to maintain these men was just thirty-two cents per day per man. Not only are they building good, substantial roads, but also, under competent overseers, they are obtaining a knowledge and physical condition that will enable them to earn honest livelihoods when they are released from this institution.

During the past four years we have had over eighteen hundred individual men working in our honor camps. These men without guards, some fifty and one hundred, and even three hundred miles away from the prison, have created a national reputation for loyalty. Only a little over one in every one hundred men has violated his pledge not to run away, which is far less than the desertions from the United States army or navy; and communities have come to feel as safe near our prison road camps as they would anywhere.

To my mind, there is no reason why convict labor should not be disposed of in every state in the Union, just as it is in the states mentioned above, and by eliminating the factory system from our penal institutions and putting the ban on the convict-lease system, we will have done something worth while in the betterment of conditions existing in workhouses and penitentiaries throughout the United States. Students of criminology and political and social science should investigate our system of employing prison labor.

## THE REFORM OF THE INDIVIDUAL

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BY FRANK MOORE,

Superintendent, New Jersey Reformatory, Rahway, N. J.

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When man disobeyed and was driven out of the Garden of Eden because of his sins, it is written that the Creator sent him forth to till the ground, saying to him that "in the sweat of thy face shalt thou eat bread." Thus in the beginning omniscient wisdom chose labor as the very first means to be employed in restoring fallen man. And up to the present time there has never been discovered any better method. It is of first importance in any effort which undertakes to correct the human errors—dishonesty, sensuality, impurity or violence—that man should be required to work in order that his mind may be turned to better things and his physical powers spent in doing that which is right.

Through idleness, as well as because of inadaptability to the task at hand, men fall into crime. The first task, therefore, before the man who would seek to reform his brother is to know the character of the offender. He must ask, "What kind of a man is this? Is he naturally indolent? If so, why?" In every penal institution there is always a large percentage who have not only committed crime because of laziness, but who present great difficulties in discipline because of the same thing. The most superficial objection soon singles out those who are of this character. It is a mistake, however, to stop when it has been discovered that laziness is a characteristic of an individual. The question must be asked, "Is there a cause for this laziness?"

Flat foot makes it difficult for some to be on their feet continually. Defective sight makes it hard for others to work with machinery. Incipient tuberculosis and other diseases sap the vitality. In most cases some cause can be found that is sufficient in itself to make it difficult for the defective to work as does the normal man. It is really a question whether any human being is ever lazy without a cause.

Food like fuel generates energy that uses itself in work, unless it is lost through some leak in the physical system. It is useless,



therefore, to say—a man is lazy; we will drive him to work. Our first duty is to find the leak and stop it, discover the cause and cure it. This is the duty of the physician. His office, the hospital and the operating room, must first take the man in hand, and by treatment—whether environmental, dietary, medical or surgical—render him fit for the requirements of labor. When this is accomplished and the man is thus placed where he is capable of some work, the next question to be asked is, “What kind of work is it to which this man is naturally adapted?” or since the man is always of more importance than his work, the better question to ask is, “What work will be most likely to assist this man in accomplishing his restoration?”

Here is a man that is addicted to drink. Considering the several categories of serious delinquency, we have long ago found that alcoholism is answerable for about sixty per cent of indictable crimes of violence, that it is probably the cause of nearly half the crimes of lust, and that, in addition, no small number of cases of petty larceny are committed because of it. The offender guilty of these crimes is not, however, primarily a criminal, but he is an alcoholic. It is of little advantage to settle the much-disputed question—whether alcoholism is a cause or a result. We know what the signs of well-developed, unimpaired minds are: calmness, steadiness, sound judgment, absence of impulsive action, good abstract memory, coherence and great muscular co-ordination. What does the alcoholic show: restlessness, tremor, impulsiveness, loss of memory, incoherence and finally moral turpitude and a state of antagonism to society. He is a neurotic, his nervous system cries out for that which stimulates but which in the end leaves it weaker than it found it, and must be treated. This type of offender is hard to cure. How discouraged we have been with his recidivism. What is the way? Certainly his treatment in the penal institutions will continue to fail if it is of such a nature as to irritate and weaken still further his already overwrought nervous organism. His work must be soothing to his nerves and invigorating to his body. Out-of-door employment, that which begets regular habits and stimulates his self-respect, can best give him relief. Close confinement, irritating monotony, the slavish drive of the contract sweat shop keep him a slave and cause the chains of his appetite to bind him still more tightly.

Here is a sexual pervert. His work too must be adapted to his

character. There is scarcely a known offense that men do not commit because of sex abnormality or excess. The theft, the murder or whatever it may be of which many a man is guilty is often because of his physical weakness. To place him at work that does not interest him and that causes his mind to wander off from it, because he hates it, is to encourage his thoughts to turn to that which is evil. To leave him in solitary places where he can dream is to light fires of lust in his dark soul that burn his moral being to ashes. He must be given work to do in the pure air under the bright sunlight that will bring wholesome fatigue and cause the fountains of life to be absorbed with cooling influence by his bodily tissue. It is all important that he should be given vigorous manual work; work that is a soporific so that when night comes rest should be sweet to him.

Not only the question as to the character of the body must be asked, however, but it must further be asked what is this man's mind? Is he normal or feeble-minded? The Binet or some other mental test should be given to every inmate upon entrance into a penal institution. By means of this test the mental capability of every offender is determined. About one-third of those admitted will be found to be feeble-minded. It is useless to undertake to teach this class of offenders a trade. They are by nature fit only to be drawers of water or hewers of wood. To place them at the task that requires planning and skill is to treat them inhumanly. They are capable only of simple manual toil. They can wheel a wheelbarrow filled with dirt. They can drive cows. They can chop wood or do a score of other chores, but they cannot lay bricks, build houses or print a newspaper. To ask these things of them is to demand the impossible and to waste both time and money. The wise penal administration, therefore, sets them aside for the task for which they are fitted even as the dray horse is kept for its task, while the roadster is used for another purpose.

### *The Normal in Mind and Body*

These constitute the hopeful class of offenders. Greatest care is, therefore, needed in dealing with them. Here the individual's choice must be the basis of assignment to work. The question is: "What will this man be happiest in doing? not what does the institution need him to do, but what does he like?" It must be found



out what are his inclinations, and his natural bent must be followed as the line of least resistance, in order that, made happy by progress and encouraged by success, pride will be awakened in his soul, which will hold him like a mighty magnet in the realm of right.

The penal institution no longer is regarded as a place to punish men, but a place to reform them. At last the world has heard the Great Judge say, "Vengeance is mine, I will repay," and leaving that to Him, we turn to helping our weak brother to become strong.

Two things are necessary to succeed in this: First. The institution must have absolute control of the man. He must be put in charge of those who have the single purpose in their minds of making him into a man. This one aim must never be lost sight of. Contractors who run contract shops for the purpose of making money may be good men personally, but because of their business they are really emissaries of the evil one; their sole object is one that is selfish. Their purpose is to make money. They are blinded to everything else and their presence in any penal institution is not a source of economy to the state nor a means of making men, since under such a system the offender becomes a recidivist, and through his repeated return entails a renewed expense to the state. The contract labor system is always a criminal-making as well as a commercial factory. We found this system in the New Jersey Reformatory four years ago. It had made the inmates desperate. The sullen, furtive, dogged expression was on their faces, their conduct was desperate and their souls were hopeless. Since its discontinuance an entire change has come in their character. The rebellious spirit has entirely disappeared. The serious offense against discipline has become a thing of the past. An atmosphere of hope and cheer has come and an era of good feeling has dawned. The transition from the contract to the present industrial system has been without friction. The contractors, by reasoning and persuasion, were induced voluntarily to lay down their rights that the management might be left free to work out its own plans, unhindered by interference from those who were not state officers. Fortunately the reformatory, being not very old, had much work of construction to do, and those who ran sewing machines have been kept busy erecting buildings, installing water plants, constructing a wall and doing many other things which taught a trade and which are preparing them for the state-use system in which work of an ennobling character will be assigned to them.



Second. Conscientiousness and care in assignment to work. This is a task that is so important that no one man in a penal institution can competently perform it alone. The physician, the psychologist, the chaplain, the disciplinarian and the superintendent are all required in order that the man may be studied from the several points of view that are most natural to these men. No more important time comes in the prisoner's life than that moment in which he stands before those who are to determine the place where he will work. As we have indicated, his physical and mental character, together with his past history, his present preference and his future possibilities must all be considered. It must be remembered that he has fallen by the way, that he has been a failure, that he is weak and that if he is to become strong every condition must be favorable, and that which is most likely to have the best effect upon his life must be chosen. It must be determined what he is best fitted for, and then without thought of gain to anyone but to him, he must be fitted for his work.

Two marked results have followed the use of this system: First. The number of reports for violation of rules has been reduced fifty per cent, making it possible thereby for inmates to gain their parole in four months less time on the average. Second. The young men have been fitted to secure good positions upon release.

When arrested and sent to the reformatory, the three hundred and thirteen inmates received during the fiscal year ending October 31, 1911, were earning \$5,329 per month. The positions in which the reformatory placed them when they were paroled gave these same three hundred and thirteen young men wages aggregating \$10,129 a month, nearly twice as much as they were earning when committed.

## WORKING FOR THE INDIVIDUAL

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BY DAVID C. PEYTON,

General Superintendent, Indiana Reformatory, Jeffersonville, Ind.

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He who blazes the way in any field of pioneer work must suffer suspicion, criticism and ridicule on the altar of public opinion which always contests the acceptance of new ideas until it is proved that the principles thus enunciated are true. Yet public opinion serves the very necessary purpose of staying the hand of the adventurer and dreamer who would selfishly exploit ideas and schemes that give no hope of ultimate usefulness. However, from the earliest time the line of duty in these matters has been so clear that few men, who have had an abiding faith in the genuine good that would ultimately come to humanity, have hesitated to render the service. The individual fall of a few men is of no consequence when compared with the great benefit accruing to society from action based upon truly scientific principles. Those of us here venturing to lend our endorsement to certain principles of pioneer labor in the field of conservation—the greatest of all its divisions, that of defective or sub-normal man—do so in all modesty, recognizing that any or all the truth and worth of our efforts is the result of our opportunity of observation and the evolution and enlargement of the thoughts of other and abler men.

So much has been written of the essential principles of the great work of reclaiming the criminal, or law violator, that it is difficult to separate the new from the old. Our grateful nation would be impoverished indeed should it attempt fully to repay in love and gratitude such noble spirits as Brockway, Henderson, McClaughry, Butler and the late lamented Dr. Wines, and the hosts of others who have given so abundantly and unselfishly of their intellects and energies.

Every generation and every epoch in history has brought advancement in all lines of human good, and our people and our time have not been weighed in the balance and found wanting. We have given to posterity the indeterminate sentence and parole laws, and their author has lived to see them universally accepted. However, there is yet so much to be done, and the time in which to do it

so short that we should not even hesitate, much less stop. Let us here and now resolve to search out new and additional truths and, if needs be, pay the price of self-sacrifice in order to establish them on the pedestal of man's eternal good.

Is crime a disease? Not exactly; no. May it not better be regarded as an evidence of defective or undeveloped brain? Through medical science the world learned that insanity is a physical and not a spiritual ill, and kindness and scientific treatment supplanted harshness and unscientific methods. So also, crime is a problem for the neurologist and the psychologist, and the field of research is the brain and the mind. We know that certain divisions of the brain preside over intellect—volition, thought, memory—and another division over muscular co-ordination, and still another over the vital centers. Whether the mind or intellect is the brain acting, or whether the mind acts through the brain, it would seem that the process is inseparable from the organ. We should recognize that crime, like disease, has natural causes, and before we can intelligently treat the offender we must know his genesis. We account for some deformities by reason of an inflammatory interference with certain brain cells: we also have the precocious child as a result of abnormal, or early, excessive development of certain brain cells. May not science yet disclose that crime is but the natural result of a defective or undeveloped brain? Who will undertake to point out a sharp line of demarcation between the normal and abnormal, or tell where sanity leaves off and insanity begins? Let him who can arbitrarily and with certainty fix these lines, point out to us the fundamentals of crime. Who can tell what the secret chambers of science may yet have in store for us? We have the curable and the incurable diseases. There is such an apparent intimate relation between crime and defect that we are not surprised that the field has for a long time been attractive to many scientists, such as Lombroso, who considers epilepsy as forming, with atavism, the sub-stratum upon which is based the criminal world.

Let us venture a little further into the speculative. If the mind is not the brain acting, but is rather to be considered synonymous with the spiritual part of man, where is its abiding place in cases of insanity or imbecility? If conscience is the moral attribute of mind that sits in judgment on and approves or disapproves our actions, what are its limitations—its influence over physical brain function?



After all, it is the integrity of the mind that determines the integrity of the life. Let us return to the material and consider some of the causes of crime in order that we may more intelligently individualize the treatment rather than the punishment of the criminal. For the purposes under consideration we may classify most cases under two general heads, "heredity" and "environment." Practically all causative influences may be properly considered under one or the other. The whole problem has been clouded with innumerable theories. As Dr. Healy so well says in a splendid article in the *July Review*: "It is even more important to note that many of the most competent students, especially those who have dealt largely with life rather than books, feel that the matter is anything but closed; the problem anything but solved." Again the same writer strikes an important key-note when he says: "Emerging as students from the conglomerate material offered us by many authors, and attempting a survey of the field with fair-minded shrewdness, where does it seem we can turn for relief from the futility of our failures? One sees certainly no immediate help from any attempt at theorizing." He is quite right. We must approach this question in the same sane and practical way as any other physical and scientific problem. Let us view the actions of the offender as the natural outgrowth of an undeveloped or abnormal central nervous system. Medical and psychological science must earnestly and intelligently work out scientific individualization and correct classification, after having determined as nearly as possible the physical and intellectual strength of the criminal.

We cannot hope to control and improve the offender unless we know him, and to know him we must study him—his conduct, his physical and mental make-up, the general ensemble of his qualities. Where can this best be done? First in the larger field of personal contact and individual handling, and second, in the psychological and pathological laboratory. The more carefully we study him the more convinced are we that we are dealing with a defective or undeveloped, and possibly undevelopable, brain. In many cases there has been a disturbance or complete arrest of development, accounting for the fact that probably one-third of those entering a reformatory, while physically ranging in ages from sixteen to thirty years, are mentally under twelve years of age. This of itself furnishes ample evidence of the necessity for a longer period of institutional

treatment than is too often understood or practiced. Essential features of any method of treatment must be firmness, unquestioned justice, patience and kindly interest. This thought is well expressed by Dr. Henderson in his summary of the discussions of the congress at Washington, in 1910. To return the criminal to organized society before he is fitted to meet its requirements is to weaken society's confidence in our methods of treatment, and to make of the offender a recidivist. When we learn to analyze scientifically the irregularities of the defective intellect, the matter of employment and discipline will both become easier. The problem is as endless as the human race, and the matter as inexhaustible as nature itself.

It is important that we observe the same diligence in the restriction of the spread of crime as we do in the prevention of the spread of contagious disease. In considering the preventive or restrictive measures let us first think of more thoroughly safeguarding our marriage laws; and, second, the humane prevention of procreation by the positively defective and criminal type, the feasibility of which has been so well demonstrated by Dr. Sharp. It is impossible to read the findings of Lombroso and others on heredity and not appreciate the necessity for positive control of such procreation. The moral and intellectual constitution must be rebuilt. The criminal's physical condition must also be improved and his somatic defects corrected as far as possible. The wonderful good accruing from the gymnasium, the drill room and other kinds of physical exercise does not stop with the bodily improvement, but the stimulation to the brain and mind gives a decided improvement in mental acumen.

In securing control and obedience of the prisoner we must convince him that we are not only just with him, but that we are actually interested in him. It must be borne in mind also that by reason of his defect he does not have a normal view of things. This does not mean that he must not be made to conform to rules. The very nature of his life as a member of society and his failure to respect the regulations of society, one of which was his probable failure to support those having a natural and legal right to look to him, make it incumbent upon the state to take custodial care of him and bring about compulsory support. In order to do this the state assumes the obligation to afford him the necessary opportunity. To do this he should be given his entire earnings over and above the cost of raw material entering into the product he creates. It is useless to advo-



cate that his maintenance should first be deducted, for no reformatory, attempting to carry out the purpose for which it was created, can ever hope to be self-sustaining. When the state takes into custody and locks up one of its derelicts and affords society protection against his offenses, society has gotten all to which it is entitled and has no right to appropriate the prisoner's earnings, thus pauperizing his family, which is one of the causes of crime.

In this connection it is interesting to consider the results of Lombroso's investigations in the matter of employment, where he shows the relative increase of crime and recidivism as we leave agriculture and replace it with the manufacturing industries, the agricultural employment having the lowest percentage of crime. From the foregoing it seems that the importance of training prisoners in agriculture—intensive farming—by the best instructor to be furnished by some such great school as Purdue University, can not be over-estimated. This instruction should be given on as extensive a scale as is consistent with the welfare of the inmates and the interests of the state. The unsatisfactory employment of prisoners, along with other features of disappointment in the general treatment of penal and reformatory problems, has resulted in a state of uncertainty and unrest, causing us to seek other and newer methods, and the most promising outlook is the truly scientific field.

The State of Indiana is fortunate in having a governor, and the Indiana Reformatory a board of trustees, who have given much thought and consideration to the advancement of such sensible and practicable things that tend to the general uplift and improvement of the inmates. Recognizing that the work of a reformatory is necessarily along scientific and educational lines, the Indiana Reformatory has secured one of our distinguished educators to become associated with us in our work here. He is a gentleman who has for some years been at the head of the department of education and psychology in Depauw University, this state, and the entering into this work by such men as he augurs much for the advancement of the work.

The startling advance made in the last half century in the general world of science, by the exact methods of laboratory investigation, has suggested the feasibility of their application to the problems of penal science. The psychological laboratory is no longer an experiment. The work done by Münsterburg, of Harvard University, and by others in the field proves conclusively the potency of this method



in determining mental qualities, in detecting psychic defects, and in estimating the general state of the central nervous system. Incredible as it may appear, there is no penal or reformatory institution for the care of males where psychological methods formulated on scientific laboratory experiments are in use, or even where a comprehensive scheme of psychic findings has any place in the general conduct of the management of criminals. Despite the remarkable advance along the whole range of scientific and cultural activities the idea of punishment for crime is in essence singularly archaic, harking back to the old punitive system of the Mosaic law. True, the reformatory idea has been extant for some years and much good has been accomplished, but, in the light of modern scientific investigation, even greater advancement is to be expected.

We would not have maudlin sentiment usurp the place of even strabismic justice, but would approach the subject from the standpoint of broad humanism and treat it as a problem of physical science. As scientific problems can be elucidated only by scientific methods, we are now on the threshold of instituting in the Indiana Reformatory the first effort in the methods suggested. We feel fully the immensity of the undertaking. We are leaving the familiar ground, strewn as it is with many failures and disappointments, and, guided by the refulgent star of science, we dare to follow her into the unknown, confident in her unerring instinct to guide us to our goal, certain that she alone can now lead us aright.

## THE ACTIVITIES OF DELINQUENT BOYS

BY ELMER L. COFFEEN,

Superintendent, Lyman School for Boys, Westboro, Mass.

The problem that presents itself to an industrial school such as the Lyman School for Boys is to receive delinquent and morally defective boys under fifteen years of age with a minority commitment for the purpose of making law-abiding and self-supporting citizens of them. Where a boy comes from the courts as clearly a delinquent, his delinquency is the result of the environment in which he has lived. His ideas of right and wrong have been perverted by home and social conditions. If a boy is a moral defective through his heredity, the problem is made still more complex and difficult. If to one or more of these traits—delinquency and moral defect—is added feeble-mindedness, the problem is made still more complex and often hopeless. The classification of these boys is considerable of a problem. To aid in this work we have the services of specialists and a hearty and valuable cooperation on the part of the physicians of various state institutions.

### *Physical Development*

When a boy comes to school he is a subject for individual thought and study from the time of his entrance. He is subjected to an examination by the physician and dentist. If physical difficulties are discovered steps are taken to remedy them, even if it is necessary to enlist the services of the Massachusetts General Hospital and the Massachusetts Charitable Eye and Ear Infirmary. These institutions have been of great assistance in aiding us to bear our responsibilities beyond what our own hospital can meet.

Each boy receives a thorough examination of his teeth by the dentist when he comes and another examination when he leaves. Dental treatment is also given whenever conditions demand it. Where there is defective vision, treatment is prescribed by an oculist.

Besides the different treatments for bodily defects, the physical development is aided by play upon the playground connected with each cottage and by work under the physical director in the gymna-

sium. Drills in physical culture, swimming in the pool and military drill are indulged in by each boy twice or more times a week. At the proper season, under the same director, school teams are organized in baseball, football and basket-ball. These teams frequently compete with other school teams, both at the school and away from it. Also, cottage leagues are organized in these different games, in which a team from each cottage contests.

### *Family and Industrial Life*

The boys are domiciled in twelve cottages, having from sixteen to thirty-five boys in a cottage. Each cottage is made as homelike and sanitary as possible through the efforts of the master and matron and the boys. Certain boys—six or seven—are detailed to the matron for doing housework, outside of the cooking, which is done in the general kitchen. While this work may seem somewhat poorly adapted to boys, it proves to be a valuable training in habits of neatness, promptness in work, ability to assume responsibility, withstanding temptation and pride in work well done.

Further than the domestic duties, many of the boys are engaged in different departments of agriculture, horticulture and floriculture, certain cottages being assigned to specific lines of work. To furnish general employment and instruction in these lines of work we have the farm, a dairy of sixty cows, a creamery, a small acreage of small fruits and apple orchard, the general and cottage lawns, the hennery and flower gardens. At the Berlin Cottage, to which the boys under thirteen are assigned, their occupation outside of school and play time is devoted either to housework or to some kind of farm work.

Besides the more general outside work there are certain kinds of work to which special boys are detailed. The shoe shop has tools and machinery with which all shoes for the boys are made and repaired. The tailor shop, equipped with motor-driven machines, makes and repairs a large portion of the boys' wearing apparel. Recently a class in masonry constructed about five hundred feet of subway, besides doing considerable concrete and brick work. In the bakery and general kitchen are done the baking and cooking for all the boys and a large portion of that for the officers. A well equipped laundry does the laundering for the school. The engineering, plumbing and electrical department has employed boys in the boiler room, in the repairing of electrical appliances, in the piping of the five hun-



dred feet of subway and in installing the radiation in the double cottage and keeping up the numerous plumbing repairs. Boys are employed by the storekeeper in the storeroom in receiving and disbursing the supplies. An up-to-date printing office puts forth all of the printing supplies besides issuing two local periodicals. The carpenter and cabinet shop does the carpentry work and makes all of the furniture for the school. Besides this it does the repair work upon the buildings. During a recent summer and fall one thousand three hundred feet of water mains and one thousand feet of sewer and drain pipes were laid with the labor of the boys. The excavations for this and for the five hundred feet of subway were dug by them mainly during the summer intermission of the school.

Besides the general occupations mentioned above we aim to have each boy have a course either in sloyd or lathe and forge work. These are courses that are aimed to acquaint the boys with elementary ideas of the uses of tools and machinery. The boys take to it with enthusiasm, and develop very rapidly in muscular, mental and moral control. While the work does not aim at a specific trade, it does aim to prepare a boy for taking up a special vocation in the future. These courses are modified in one class in such a way as to make them valuable to our backward boys. We have recently endeavored more strongly to correlate the trade work with the school work. The trade classes that are working under this system are those of carpentry, plumbing, masonry, electrical work, printing and dairying. The afternoon classes in each of these trades are divided into two divisions, each division attending the school alternate weeks. The instruction, especially in mathematics, language, drawing and geography is adjusted to the trade that each boy is learning. In this way more boys get the advantages of the school and of the trades. So far as can be observed through a hearty cooperation of the school and trade instructors, an increased interest seems to be aroused on the part of the boys in both their trade and academic work. It is an endeavor to mix the theory and the practice of trade teaching in the right proportion.

In spite of the material received our school of letters is doing a good work. Our grading is different from that in the public schools because the pupils are more nearly of an age. The difference in advancement between the consecutive grades is of such a small degree that frequent individual promotions can advantageously be made

from a lower to a higher class. A boy is moved forward as rapidly as his individual work will allow. The curriculum is aimed to include those things which will be of most service to him. Many of our boys do not pursue school studies further after leaving us. As strong adjuncts to our school we have departments in music and drawing which are a means of helpfulness. At the Berlin Cottage we maintain an ungraded school, which keeps the small boys in preparation to take up their regular school work when they are boarded out.

### *Moral and Religious Instruction*

To surround the boy with a wholesome atmosphere in the cottage and with a sincere religious life is essential. As near as the number of boys in a cottage will allow, it is aimed to have the family idea prevail. Where there is too large a number this idea falls short to a certain degree. Each cottage is provided with games, periodicals and a library that are available in the reading rooms. The two cottages recently constructed aid us in reducing the census of each family.

The religious life of the institution remains a prominent feature of the training. Recently a change has been made in the matter of conducting our religious instruction and services. For some years previous it was customary for boys of all faiths except the Hebrew to go to the village of Westboro for religious worship. Owing to the fact that our boys made up such a large part of the congregation and caused crowded conditions in some of the churches of the village, it was deemed advisable to hold religious exercises at the school. For this purpose \$1,100 was appropriated. Each boy now can attend services of his own creed at the school on Sunday. Besides this each boy is given lessons in his Sunday school class and instruction quite generally in a week-day evening group by the pastor of his own denomination. This change has worked well and on the whole I believe that the boys now have more efficient religious instruction than they have heretofore enjoyed. To instill ideas of reverence for our country and its great men, special programmes of commemoration are arranged from time to time in the school building. These have added much pleasure and interest.

Sometimes a boy may not be located in the right cottage surroundings, due to the influence of particularly unfortunate companionships formed or to the temperament of the officers in that cottage.



To remedy this, more frequent transfers are made from one cottage to another. Officers have their individual temperaments, as well as the boys. It is found that each officer is better adapted to one class of boys than to another. The transfer of a boy from one officer to another is not necessarily a discredit to the officer from whom the transfer is made. There are cases where the transfers work both ways. We make every endeavor possible to place the boy in the environment that will produce the best results, just as a horticulturist places plants in a soil and atmosphere most conducive to their growth.

### *Disciplinary Matters*

The question of discipline will ever remain with us as long as there are delinquent boys. The past two years have witnessed considerable change in our methods of handling those cases of misconduct against the rules of the social community of our school. So far as possible we are endeavoring to make our methods of handling these matters similar to those of the open community. A spirit of public sentiment favoring that which is right and condemning that which is wrong is developed to a considerable degree among the boys. The fact that a thing is condemned by the majority is often a strong incentive to improve conduct. So far as possible we aim to have good conduct rewarded with the highest privileges. The cottage group having the highest average in deportment for any given month in school is rewarded with some additional pleasures some evening. For more serious offenses the disciplinary cottage and corporal punishments are resorted to. During the early part of the previous year a disciplinary cottage was established. To this boys are committed for various offenses under an indeterminate commitment, a minimum time always being designated. Just how much longer the boy remains is determined by his conduct. At the disciplinary cottage the boy is denied all intercourse with the other boys of the school, and the more difficult and heavier work is required of him. The diet is wholesome and plain, but not so varied as that of the other boys. He is also given plenty of active physical exercise through calisthenics and military drill. The boy earns no credits while at the disciplinary cottage. Day and night supervision is exercised. In cases where it seems best corporal punishment is administered under the direction of the superintendent or his assistant. By the use of



the disciplinary cottage we have done away with the detention rooms and about two-thirds of our corporal punishments.

Any plan of dealing with boys that does not take into consideration the dynamic feature of the boy's growth in its fourfold relations—physical, mental, spiritual and social—is sure to meet with failure. Each boy has certain possibilities of manhood existing within him. To realize these possibilities is the aim of all work with boys, whether it be in the home, the boy's club, the church, the school or the institution. Each delinquent boy received at any industrial school has certain possibilities within him. He is just as much entitled to their proper development as is the normal boy. This can be said, notwithstanding the fact that he may be "born short" through heredity. In many cases, probably seventy-five per cent of those dealt with, the boy's delinquency is a result of living in a congested district, where he has had no chance to be a natural boy without breaking the law. Each delinquent has been an unsolved problem to the social organizations with which he has come in contact. No two boys come with the same inherent qualities. Each one shows marked individual traits. While the members of a group of boys possess many qualities in common, in the last analysis the individual must be dealt with. As Dr. Burr states, "individual work takes time and strength and money, and we have not yet realized its importance in both religious and educational work sufficiently to pay the price."

## CONVICT LABOR IN HIGHWAY CONSTRUCTION

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BY JOSEPH HYDE PRATT,

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In considering the convict question, two general principles must be kept in mind. First, that a convict having committed a crime against society has been, during his arrest, prosecution and conviction a large expense to society and therefore should, as far as possible, compensate society for his crime and this expense. Second, it is necessary in the treatment of the convict and the work he is required to do to keep in mind that it is to the interest of society and of the state that the convict shall be in better condition physically and morally at the end of his sentence than when he began, so that he will be able to take his place as a member of society.

Formerly there was too much tendency to consider the convict as a collateral of the state out of which just as much income should be derived as possible, regardless of the effect that the methods employed might have upon the convict himself. The authorities did not seem to realize that the convict would some day again become a part of society and a citizen of the state, and would either be an expense to the state or be a source of income to the state, this being dependent upon the condition of the convict at the time of his discharge. Public opinion is becoming almost unanimous that the leasing of convicts for any purpose should be abolished; and, although it is still in vogue in certain states, there is in these states a steadily increasing sentiment against it and a demand that it shall cease. The convict, after he has been convicted and sentenced, begins to pay his indebtedness to the state, and we should consider this indebtedness paid when the prisoner is discharged; then he should no longer be considered a convict, ex-convict, jail bird or be designated by any other term, such as is constantly being applied to those who have had to serve a prison sentence; but they should be considered as citizens of the community and the state in which they live.

To my mind, one of the main objects of punishment of a convict is to bring forcibly to his mind the fact that he has committed

a crime against society, but that society will be ready to receive him again as a citizen if he makes good during the serving of his sentence, and for this reason every opportunity should be taken by the state to give the convict every chance possible to make a man of himself. There is no doubt that there are a great many men who have committed a crime against society who have not been convicted but are living as respectable citizens in their communities, and when we stop to consider that a majority of the so-called crimes that are committed are against laws that have been passed by a majority of the people and sometimes by only a small majority, showing that all society is not in accord with the principle involved in the law, yet because the majority votes favorably to it, the whole community accepts it as the best.

The problem reduces itself to the question: What work should the convict do that will be for the best interest of the state and the convict himself, as I take it for granted that all believe that the convict should do some work. Any labor that may be required of the convict that is in direct competition with free labor is assuredly not to the best interest of the citizens of the state, inasmuch as it is liable to cause an unsettled condition amongst the laborers with which the convict labor is in competition. The work which the convict does should be of such character that the people of the state can feel that they are deriving some direct benefit from it. As stated before, we must not consider the convict as collateral out of which we are to make the greatest income. The methods that have been used by so many states for working their convicts, such as in manufacturing establishments, in mines, on farms, in turpentine forests and in the construction of railroads, do not employ the convicts in a work out of which the people of the state derive a direct benefit, and the work is largely in the interest of individuals and private corporations.

What better work can a convict be employed in doing than in the construction of public roads, considering it first from the standpoint of the greatest good to the citizens of the state? A public road is a public necessity and it belongs to all the people of the state. Everyone has the right and privilege to ride and drive on a public road, and a good public road is a blessing to every community through which it passes.

Considering the scarcity of labor in our rural sections, this is



one employment of convict labor which for many years to come will not in any way be in competition with free labor.

The finished product of such employment of convict labor is a good public road, which belongs to the state and does not have to be disposed of in competition with products made by free labor. These conditions cannot be obtained when convict labor is employed in manufacturing industries, in mining coal or other mineral products, in farming or in leasing convicts to railroads or other corporations. If convicts are employed in manufacturing industries and produce products other than what are actually required by the penitentiary in connection with the maintenance of the prisoners, it at once comes into competition with similar products manufactured by free labor and, if the time should ever come when the supply is much greater than the demand, the convict-made goods could probably be sold at a lower price to the disadvantage of the free labor products. And then again, if there was any serious difficulty in disposing of the product, there would be a tendency to lower the price in order to dispose of it. This is just as true in connection with the employment of convict labor in mining coal and other mineral products. In Tennessee, where state convicts are employed in mining coal from mines belonging to the state, considerable friction has been caused, and still exists, between the private operators of coal mines and the state, on account of the big advantages the state has in producing the coal to the disadvantage often of the private operators. By reason of three conditions existing at the coal mines belonging to the state, it is able to produce much cheaper than the private operators, and there is a tendency to sell at a lower price, thus bringing it into the sharpest kind of competition with the coal produced by the citizens of the state. These three conditions are: (1) The state mines have a constant supply of labor at all times; (2) this labor is not disturbed at all by strikes or labor conditions elsewhere; (3) through the State Railway Commission, it is no trouble for the state always to have plenty of coal cars on hand in which to ship the coal. From the above it can readily be seen that there is bound to be a great deal of friction between the Coal Operators' Association and the state, in regard to the employment of convicts in mining coal. This is a direct competition of convict labor with free labor and a product produced by convict labor with a product produced by free labor.

The same principle holds, however, in connection with the work of convicts on the farm, except, of course, where only a sufficient number are worked on a state farm to produce farm products for use in the maintenance of the convicts. Where large farms are bought up by the state and the state goes into farming on a large scale nearly to the full extent of its force, the convicts do undoubtedly enter into competition with free labor. And the convicts do not produce any product that is of any direct value to the citizens of the state, and, although there may be a considerable income derived from the state farm which goes into the general treasury, yet the citizen himself does not feel that he is deriving any direct benefit from the labor of the convict. All the above forms of convict labor do turn into the state treasury a certain amount of revenue which is reckoned as net profit from the labor of the convict and in part compensates for the expense of the county and state in the prosecution and conviction of the criminal. On the other hand, where the convicts are leased for the purpose of constructing railways, the chances are ninety-nine out of one hundred that the citizens of the state do not derive any direct benefit from the labor of the convict. The state usually receives for this labor, stock in the proposed railway, which generally is worth little. Very often the railway is sold for the bonds, so that the stock is of no value whatever.

Convict labor can, however, be employed in building public roads, so that the treatment of the convict, both in regard to his labor and health, will be carried out to the best advantage for the state, for the citizen and for the convict.

In the first place, it engages the convict in healthful occupation. It is hard work, and no man should be forced to work on the roads whom the doctor, upon examination, considers unable to do the work. It is outdoor work and, for the most part, in the country, where the air is pure and where there is plenty of good drinking water; and statistics show that the health of the convict who is employed in road construction and living in the convict camps is better than that of those in any other form of work. Of course, when I make this statement, I mean convict camps that are under the supervision of competent men so that the camps are sanitary, the rooms clean and the food well cooked, clean and wholesome. It costs no more to keep camps in this condition than in the opposite way, but it is necessary that they should be under state supervision and that



competent and reliable men should be in charge of the inspection work.

There have been, and perhaps there are still, abuses in convict camps, and prisoners have been mistreated, underfed, etc. I believe that the outdoor work not only improves the physical health of the convicts, but in many instances their experiences as road builders have actually improved their general character and prepared them for better citizenship. It is a matter of record that many convicts connected with the road camp who have behaved themselves properly and performed their work efficiently, thereby being especially trusted and trained by the ones in charge of the work, have, after the expiration of their sentence, obtained fair positions in or near the communities where they had previously lived in the convict camp. One objection that has been made to the use of the convict in road building is that the very publicity of the work in exposing the prisoner to the gaze and remarks of the passer-by would have a tendency to harden the criminal. This has not, however, been substantiated by any statistics that can be obtained regarding convicts. It is necessary that the prisoner be made to realize his indebtedness to society and to realize that the work required of him is simply in payment of this debt, and, therefore, in his road work he is simply paying off an indebtedness and fulfilling an obligation. I believe as our convicts begin to realize this it will have a tendency to make them see the justness of the punishment that is being meted out to them, and they will look upon their work as something to be performed not as a punishment but in the fulfilment of an obligation, and thus they will pave their way to becoming better men and better citizens.

The question of a uniform for the convicts who are working on the public roads is one that has been given very serious consideration. The suit of stripes worn by prisoners is simply a uniform, and it may be that this uniform should not be worn outside the penitentiary or stockades. That, however, is for the different states to decide. I see no reason why, under certain conditions, a khaki uniform could not be used to advantage for the squads that work the public roads, but it is necessary that some uniform should be adopted for the convict. This has been deemed necessary for laborers in cities, as, for instance, the white brigade of New York City.



The employment of convict labor in road construction permits of a permanent organized force which can be better maintained than with free labor. Anyone who has had anything to do with the construction of roads knows how hard it is at times to obtain sufficient labor with which to do the work that is required, and that it is almost impossible to keep a permanent organized force of men employed in road construction. With the convicts, however, such a force can be maintained, and, after the organization has been once perfected, it will be found that the actual cost of road construction can be reduced very materially from what it has cost proportionately by free labor. It is not economical to work convicts on the public roads unless the number in a squad can be fifteen or more men, for one guard can usually look after ten or fifteen men, and with a smaller number, the guard would have to be employed, as well as the superintendent, cook, etc. On the other hand, it is found that too large a camp is as unsatisfactory as one too small. The organization, therefore, of the convicts for road building purposes can be divided into camps containing a certain number in each, under the supervision of its superintendent and guards. After a few months' work, these squads become pretty efficient in road construction, and as they are moved from place to place throughout the state, they have very little difficulty in adapting themselves to the varying local conditions that they may find. Of course, many prisoners are committed to the roads for a few months, others for a year or more, but these short-term men can usually be detailed to camps where the majority of the men have been at work for some time, so that there is very little trouble in the new man becoming acquainted with the work that is required of him. I believe that it is very feasible to work the long-term convicts on the road, even those whose sentences exceed ten or fifteen years. These long-term men could be detailed to a certain road force or squad and in time would become rather expert in road construction and would form the nucleus in the squad from which the short-term men could learn the road work. In time these long-term men would be sufficiently familiar with the work to be put in actual charge of it as foremen. Others will become efficient in the running of the machinery necessary in road work, and in the end would become competent mechanics. By having the permanent force of men to build our roads it would be possible for the state to quarry and crush the rock necessary for

making the macadam road, and it would be found feasible and to the advantage of the state to build a stockade on the roads. Those men who were not strong enough to do the work could easily be employed as drivers to haul the stone from the quarry to where it was needed on the road. Then again, the work would require a number of blacksmiths for shoeing horses, sharpening mattocks, drills, etc., and this work could also be done by the long-term convicts who had shown by their behavior and deportment that they were to be trusted. Cooks would also be needed, and here again the long-term men could be used to good advantage. Thus, the whole force could be organized permanently and the very best results obtained in road construction. As the state has to pay nothing for this labor, and simply has to provide maintenance for it, many people speak of it as cheap labor, forgetting that the state has already been to very heavy expense in the conviction of the criminal, and that very often even a ten-years' service of the convict does not pay back to the state the actual amount which has been expended in his prosecution and conviction. The most important thing, however, in connection with convict labor is that it is a permanent organization, under the absolute control of the state, and when employed in building a good road it is performing labor from which all the people of the state derive direct benefit, as all the people have the right to use the public roads.

Another reason for using convicts for public road work is that it will free the community from the tramp nuisance, for, if there is one thing that this class of men despise it is work, and especially hard work. Many of them do not object to spending a certain number of weeks, or even months, in jail; but, if they knew that when arrested for vagrancy they would be sentenced to three or four months' work on the public road, they would keep away from such a community.

I believe road work is the best possible punishment for the common criminal and even for the other criminals. I believe, in the end, it is the best solution for the care of all classes of convicts. There are sufficient types of work connected with the road work so that the more intelligent and better educated men who are convicted of crime can do work connected with public road construction that is not actual work on the road itself, which can be performed by the common laborer. They can act as foremen, superintendents,



bookkeepers, blacksmiths, machinists, etc. Where the camps are well kept, and sanitary conditions are provided that meet with requirements that can be ordered by act of legislature, and where the food is prepared and served according to definite provision provided by law, there is no reason whatever why the convict should not be kept in the best of health in connection with his work. There have been abuses of the convicts, as I have already stated, in connection with the convict camp life, but if a proper prison commission is appointed which is non-political and has the best interests of the state at heart, there should be no reason for these abuses. It is to the best interests of the state that the convict be kept in the best of health, not only because it reduces expense and increases his efficiency as a laborer, but also because it increases the chances of making him a good, respectable citizen; and that, to my mind, is the object of the punishment and the state's care of the convict. I believe in separating the vicious and absolutely immoral convicts from the others in camp life and, if necessary, confining them within the prison walls. Simply because a man has been convicted of a crime does not mean that he is not capable of becoming a respectable citizen after he has once paid the penalty of his crime.

The state should do all in its power, as I have said, to impress upon the prisoner that the punishment the state has meted out to him is simply to make him pay a debt that he owes to the state and to society, and that when he has paid this debt, the state expects him to take his place in that society as a citizen of the state and not as an ex-convict. There are probably, I was going to say nearly, as many men who have committed crime who have not paid the debt they owe to the state for the crime, and yet are living as respectable citizens in their community and, in many instances, the crime is known. If this is the case, why should we not permit the man who has paid his debt to the state to become a respectable citizen without throwing too many obstacles in his way?

The result of working convicts, both county and state, on the public roads will be a system of good roads throughout the state. Some of the arguments that have been advanced against the use of convicts in public road construction are that it is degrading to the convict to have him exposed to the public gaze at all times, and also that it is harmful to children to come in contact with convicts as they pass along the public roads. Is it any worse for the convict to



be seen at work on the public road than it is for visitors passing through a walled prison curiously to look at the prisoners in their cells or at work in their work shops? Of course, on the roads the convict is seen by more people, but as they become accustomed to these men working on the road they begin to think less and less of it and simply look upon them as on any laborers who are at work building roads. If the squads of convicts are in khaki uniform, they will, of course, attract much less attention. The objection to the armed guard should not be taken too seriously. Armed guards are necessary in many instances, but why should serious objection be made to this when it is not an uncommon sight to see uniformed soldiers of the United States repairing roads around army posts and an armed guard in charge of the squad? On a certain class of people it may have a good influence in keeping them from committing some crime when they realize that if convicted they will be sent to the roads.

Another argument that has been advanced is that the state should try to train the prisoner to some useful occupation so that when he leaves the prison he will be able to take position at some trade. In order to do this, it will be necessary for the convicts to be used at labor which is in direct competition with free labor, which is objectionable. It would also mean the manufacture of products that would be sold in direct competition with products manufactured by free labor. It is my claim that in working convicts on the public road, there is an opportunity of developing the men according to their ability as blacksmiths, mechanics, expert road builders, contractors for road building, bookkeepers, cooks, etc. The bulk of the men, however, would be common laborers and that is all they would have been if they had not committed a crime, been convicted and sentenced to the roads. They will, however, have been trained as expert day laborers and can give good value for money received. And for this reason, I still think that we are providing work for the prisoner that is for the best interests of the state, the citizen and the convict.

One other phase of the employment of convict labor that I wish to speak of is the use of the honor system when the convicts are employed in working public roads. This has been used more or less successfully in Washington, Oregon, California, Colorado, Montana, New Mexico and Nevada, the convicts being worked on the public roads without stripes and without guards. Very few

men who become convicts are entirely devoid of a sense of honor, and if the state, in its treatment of this type of convict, will try to bring out and develop this spark of honor, which I believe a large proportion of the men have, we can put a great many of such men on their honor and work them successfully on the public roads without stripes and guards. As the convict begins to realize that he is being treated as a man and that just so long as he behaves himself he will be treated in this way, we will find that perhaps a large majority of the convicts can be placed on their honor. At the beginning, the convicts would have to be carefully studied, and only those of a certain known type should be put on the roads without guards. As the others show that they also want to be treated as men, those who can be trusted should, in turn, be given a chance on the public roads. The honor system is now in vogue to a limited extent in nearly all state penitentiaries where we find the so-called trusties allowed a great deal of freedom and used in all sorts of occupations where they would have numerous chances to escape if they desired to do so. Of course, most of these trusties are at the present time in stripes.

As we all know, the more incentive there is given to a man to work, the better he will work and the better results he will accomplish. I believe it is a good policy and the right thing to allow a convict a certain per diem for his work, this to be accumulative and to be given to him at his discharge or, at his request, sent to his family, and also that his sentence should be commuted so many days per month for each month he works on the public roads when he gives a fair deal to those who have put him on his honor.

## OUTDOOR WORK FOR CONVICTS—A SYMPOSIUM

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### I. COUNTY ROAD CAMPS IN ARKANSAS

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BY JOE ASHER,

County and Probate Judge, Little Rock, Ark.

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The legislature in 1909 passed a law which permits county courts to form road and convict districts of several adjoining counties or of one county only, the condition being that the counties bear the expenses incident to working the convicts. All convicts whose sentences are under five years are completely under the control of the county judge of each county, with the exception that the county judge, county clerk and sheriff constitute a board to form rules for their government. As in this state the judge has the powers usually vested both in the county commissioners and the fiscal agent of the county, the matter is absolutely in his hands; he appoints those who work under him and makes his own conditions. So far I am the only county judge who has made a success of the road-making experiment, the others who tried it having, on account of the expense, returned their convicts to the penitentiary.

About eighteen months ago I formed this county into a road district and began working the convicts. I appointed a warden, who was bonded for \$25,000 properly to take care of the county property in his charge. He was given full authority to appoint a deputy warden and guards and discharge them at his pleasure. We then purchased a regular camp outfit and simply went to work. The camp consists of about seventy-five men, twenty white and the rest colored. I tried to use women convicts as cooks and wash-women but, after a fair trial, found them a nuisance and useless expense, so ordered them back to the penitentiary.

The camp, though of cheap construction, is a model, situated on a well-drained piece of land in a healthful locality. There is no vermin or sickness in the camp, as we enforce strict hygienic measures and feed and clothe the men so well that they thrive on the treatment and work well. We seldom punish a man, though the orders of the warden are strictly enforced. No man is shackled, but the guards



are ordered to shoot to kill any one who attempts escape; so far not one convict has been killed and only one wounded. The attempts to escape are comparatively few and only made by trustees who are used as teamsters. The maintenance and guarding of each man cost us about sixty cents per day and he does about eighty per cent of the work a free man would do. When the men are discharged they have no difficulty in obtaining work on the roads in this state if they so desire.

If I find the sentence of any man too severe or believe that he should be discharged or paroled, I promptly take the matter up with the governor or penitentiary board, and they have always honored my recommendations in the matter. When a man's time expires he is furnished with a good suit of clothes, \$2.50 in money, proper discharge papers and a lecture on the duty of a citizen. Most of the men discharged have personally thanked me for the kind treatment accorded them at the road camps.

The only opposition to this convict road work came from farmers who benefited by the construction of the road. Several, not all however, claimed that it took work from them, as they had used their teams on the public roads after their crops were harvested. The labor organizations heartily favor this method of employing prisoners. After the road was completed practically all were satisfied, and I believe that the camp is a good reformatory and that convict road work is to the best interests of the convicts and society.

## II. OUTDOOR WORK IN MICHIGAN

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BY WILLIAM M. BRYANT,

Chairman, County Road Commission, Kalamazoo County, Mich.

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Tramps and vagrants were a serious problem in Kalamazoo county—so serious that in 1908 the sheriff reported a total of 3,546 commitments. This was probably due to the fact that Kalamazoo was a wet county, surrounded by dry counties, and to it drifted many thirsty men who became hilarious and received from ten to sixty days' sentences. These, as a rule, were so-called one-term men and after their sentence expired they returned home or drifted to some other city, but their numbers made welcome the request of the Road Commission that county prisoners be worked on the public roads. The commission claimed that road-work would have a good effect on petty crime, and would eliminate the tramp nuisance, and, though this seemed a strong prediction, a deputy sheriff was appointed, given charge of the men and preparations were made to begin the work at once.

A squad of from fifteen to eighteen men was placed on the roads near the city, and brush, stumps, stone and other obstructions removed. When these roads were finished, the prisoners were taken out into the township, nearly ten miles from the city. Here two miles of brush along the highway was cut and burned and considerable ditching done. A house was rented and stoves, cots, bedding and other necessary articles installed. The prisoners were boarded at a nearby farm-house. At first the commissioners expected to work two crews of from fifteen to twenty men each, but decided to wait a few weeks to see what the results would be with one crew. The results were almost instantaneous. The news soon spread that Kalamazoo, known as one of the best feeding grounds between the two oceans, was a poor place at which to stop. After two months, the population at the jail had become so small that the road-gang was called in, and preparations made for making tile. Four men are needed at this work to keep it running smoothly. Part of the time but two prisoners were available, and the deputy sheriff had to act as third and fourth man. Three four-ton cement rollers were made, also a

twenty-eight-foot bunk house, warmed by a stove and well lighted, and with bunks on each side which would house eighteen men.

The outlook the following spring was not promising as to help from county prisoners; the jail was practically empty, and only one camp could be maintained with prisoners. Even at this camp, it was necessary, nearly all the time, to hire extra men, as the number of prisoners was too small to supply the dozen shovelers needed. Preference in hiring this outside labor was always given to discharged prisoners who had been good workers, in fact, the best help obtainable for such work. Two of the daily papers have generously contributed papers to this camp, and a public appeal brought in a large number of the best magazines.

Guarding the men so employed has not presented many difficulties. A few, during the early spring months, walked away, but an extra thirty days' sentence by the circuit judge overcame any inclination of that sort. Good food and good treatment have made the men respond readily to any call from the superintendent; and after serving their sentence, they come out clear-eyed, with hardened muscles and good appetites, willing to do men's work.

A comparison of the sheriff's book showed that for the months of November, December, January, February and March, the first five months in which this system was given a trial, there was a decrease of over 2,300 in the number of vagrants for the corresponding months of the previous year. The jail committee's last report, which covered a period of six months, showed ten vagrants. The police report for the month of November, 1910, recorded but one arrest for vagrancy. November has usually been one of the heaviest months of the year for "gentlemen of the road."

Prisoners, as a rule, leave jail penniless; so after some discussion, the chairman proposed to pay them for one day's work for each week of good behavior. This was put into effect, and now a sixty-day man gets \$12.50 at the expiration of his sentence. A new start is thus given him.

Convict road work is a two-edged sword—it works both ways; it is a clean, moral and physical uplift for the men, and, by making use of what has been waste material, a valuable by-product is created.



### III. GOOD OPPORTUNITIES FOR PRISON LABOR

BY HARRIS R. COOLEY,  
Commissioner of Charities, Cleveland, O.

The Correction Farm of Cleveland is a part of a great tract of nearly two thousand acres, or more than three square miles, on which are the tuberculosis group, the almshouse group and also an extensive municipal cemetery to be graded and developed by prison labor. The area is so large and diversified that the almshouse group is a mile and a half from the correction group and two hundred feet higher. Each of the four divisions is distinct on its own estate of five hundred acres. In seven years over eight thousand men have served time out on the farm.

We have found it an especial advantage that the correction farm is a part of a group of four estates comprising the two thousand acres. It secures the absolute control by the city of a vast environment of more than three square miles. In the colony or almshouse group and the tuberculosis group there are many who can only do light work. If there is to be furnished a large opportunity for light work in the fields and gardens as a basis for this, there must also be a large amount of rough, heavy work. This can readily be supplied from the strong, hardy men of the house of correction. Thus the institutions supplement each other in the fullest development of the farm.

If there comes as a prisoner an expert carpenter we can set him to work in the light, airy shops of the correction buildings, making mission chairs and tables for the old people. He is working at his best, which is good for him. In addition, he is conscious of adding to the comfort of some aged, or crippled, or sick resident of the farms.

In the spring of 1905 we began in Cleveland the outdoor treatment of crime by taking "trusties" and other prisoners from the city workhouse to our farms and lodging them in the old, scattered houses. Our farmer neighbors were frightened. Our friends prophesied that the prisoners would all run away. But the plan worked. Most of the men completed their sentences, giving faithful and

willing service. We ourselves have been surprised at times at the results of some of our ventures with these men. The confidence placed in them, the useful work in garden and field, the tonic of the sky and trees, developed a new sense of honor and a common sentiment that it is a mean and cowardly thing to run away from the farm.

A visiting judge said to me: "It is so fine out here, I should be afraid some of the prisoners would want to stay." Nearby a group of the men were shoveling dirt into a grading wagon. I said to him: "Judge, you see those men at work; they are drinking an abundance of pure water, they eat heartily, they sleep well. They say to themselves, 'This is not "made work," this is real, genuine work. Free men right over there are getting a dollar and a half a day for doing this.' The old prison cell, the food, the confinement of their labor, tended to depress them and to make them hopeless. This treatment quickly brings them to themselves and arouses the normal man. There is a psychological element, which you have not thought of and which we did not fully foresee, which makes these men more anxious to go back and again take their places in society and industry. At the expiration of their sentences they go out without the prison pallor, stronger in the face of temptation, and ready at once to do a full day's work."

There is a marked difference in the feeling of the prisoners. They work much more heartily. Some of them take great interest in the animals and the growing fruits, vegetables and grains. They are freer from jail sullenness and hang-dog ways.

When the contractor was ready to start on our correction square, there developed an unexpected scarcity of water. We built a concrete dam, dug out the earth for a pond, laid over a mile of two-inch pipe and in five and a half days had an abundance of water with forty pounds gravity pressure. The workhouse men entered into this emergency work with as much earnestness and enthusiasm as if it were their own. This spring, out of a group of fourteen prisoners, we asked for four men to volunteer to work on Sunday in the sugar camp. The entire fourteen freely offered their services in the saving of a large run of sap.

The trust and confidence which we, of necessity, place in them call forth the remnant of manliness which asserts itself. Its whole tendency is to develop in them a spirit of honor to do one's work



and to put away the thought of escape. Their language about it changes. To break out of the old prison is a "get-away;" to run away from the farm is to "take a sneak."

They have better air to breathe and better food to eat, and like the rest of us their dispositions are therefore more agreeable. They have an abundance of fresh vegetables in season, for they raise them by their own labor in their gardens.

Of these opportunities for useful work one of the most promising is the development of the cemetery. When developed this will be a magnificent municipal cemetery of five hundred acres which will bring back several millions into the city's treasury. The development is largely in the nature of walks and drives and the planting of trees and shrubs according to government statistics. Prison labor is most effective in building roads. These roads are private and are thus free from the objections of the public highway. Again, working in the cemetery may have some moral effect on the prisoners.

Allowing more than half the acre for drives and planting, there would be in each acre twenty thousand square feet still to be sold as lots. Fifty cents per square foot is a moderate amount to be paid for a burial lot in a large, well-kept cemetery. This would amount to \$10,000 an acre. This amount, of course, is not realized at once and must include and provide for future maintenance, but to those municipalities which maintain cemeteries it presents an opportunity for the profitable use of prison labor. It is good for the prisoners to work in the open, and because of its returns, it will justify the municipality in paying at least a part of what the prisoners earn to their families.

There are limitations, of course, to the outdoor method of treatment. Not all of the men committed can be trusted to work in the fields. Besides those who are locked in, we have two classes, the trustees and the semi-trustees. The semi-trustees work in gangs of twenty or thirty with guards or rather foremen always present. They are kept in the enclosure Sundays and holidays. We seldom have a man drop his tools and run. The temptation comes when not working. The trustees work on the farm sometimes entirely alone.

With this method I am confident that one-half the men can work under the open sky. Near the close of their sentences, it is



usually safe to assign outside work even to the more serious offenders. All of the men can at least be allowed the freedom of the great open court.

In Cleveland we have many prisoners sent to the house of correction for vagrancy. Some of them are self-committed. It is needless to enforce the strictest discipline in these cases. If the men run away and take care of themselves, the purpose of the law has been accomplished. If they disappear, the result is much the same as when the court orders them to leave town. If they are really seeking work, they stay with us, as we can help them to find employment. These cases make our reports of escapes, which are ten per cent, seem large, but it has proved the best method of dealing with our problem.

A penitentiary or state reformatory must of course be organized and managed differently. The general method has been tried in many places. At Witzwill, Switzerland, is a large tract of nearly two thousand acres with two hundred and fifty prisoners under sentences for as long as five years.

At Merxplas, twenty-five miles from Antwerp, is a great estate with five thousand prisoners, some of them with sentences as long as seven years. These five thousand irregulars and unfortunates are controlled and directed by a staff of only eighty wardens. Out of a barren waste they have made a million-dollar estate.

In the Berlin labor house at Rummelsburg, out of two thousand prisoners, one thousand work outside on the great sewage farms owned by the municipality. In France, Holland, Hungary and Italy the government has made successful experiments with the colony system for the treatment of offenders. On this side of the Atlantic, in the Province of Ontario, in Colorado, in Missouri, in California and in the City of Washington, a similar work is carried on.

Of necessity much depends on the personality of the warden and his ability to have his subordinates of like spirit. Too much emphasis cannot be given to the attitude and the personality of those in charge. With the right spirit and wisdom in the officials, there is no reason why this outdoor method may not be adapted to all of our penal institutions.

The growing feeling of interest on the part of the public in the work of the farm, and the fact that the men are really doing useful work, are now raising the question whether society ought not

to allow the family of the prisoner at least a part of what he earns, and also whether he should not have something paid to him at release so that he will be better fitted to take again a normal place in life. This awakened feeling toward prisoners is expressing itself in probation and parole, in prison schools, in homes and in employment bureaus for released men. It is also strengthening public sentiment that prison management should be utterly divorced from partisan politics.

At Cleveland the most important thing the correction farm has demonstrated is that the city has become kinder and broader with its more rational and humane treatment of its prisoners. The heart of Cleveland has grown in its sense of right and justice. Instead of contempt and malice, there has come a desire "to know the path up which the crime has come," and the general disposition to give opportunities for normal lives. The reflex influence is really the larger part of the benefit. For its own sake society cannot afford to be cruel and brutal to its meanest and most unworthy member. Russia is to reap a more bitter harvest than her exiles. Love your enemies is a good social law. Even though all the prisoners do not at once respond to this treatment and "make good," this does not destroy to society the quality of this mercy. Old methods often made institutions of detention breeding places for disease and schools for crime. Recent research has brought to light the fact that there are three times as much tuberculosis among our prisoners as in our general population. The moral contagion is revolting.

The vilest deeds like poison weeds,  
Bloom well in prison air;  
It is only what is good in man  
That wastes and withers there.

Civilization and progress no longer halt at the prison doors. Winston Churchill declared in the House of Commons that "the attitude of the public in regard to the treatment of crime and criminals is one of the best tests of the civilization of any country." The general movement of which the colony is a part is both timely and wise.

#### IV. EXPERIMENTAL ROAD WORK IN OHIO

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BY JAMES R. MARKER,

State Highway Commissioner, Columbus, Ohio.

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The Ohio Highway Department employed convicts during the summer of 1912 in the construction of an experimental road, south of the City of Columbus. The convicts were taken each day from the penitentiary to and from the work in a motor truck operated by a convict. The distance from the penitentiary to the work was about seven miles. After taking the convicts to the work in the morning the truck returned to the penitentiary for other duties during the day, returning again to the work to take the men home in the evening.

The convicts were all colored men, and the number working each day varied from seventeen to twenty-five. One guard, unarmed, accompanied the convicts. There was no effort on the part of the men to escape, even though they were sometimes scattered along the road for a distance of half a mile.

From the fact that the road that was constructed was an experimental road and the type of construction frequently changed, it was necessary frequently to change the occupation of the men. Some difficulty was experienced with the class of men that were being worked when these changes came too frequently, and where the occupation of the men was changed several times the same day their work was not always satisfactory. However, where we could keep the men employed at the same class of work for several days in succession, satisfactory results were secured.

For the services of the convicts \$1.00 per day was paid to the board of administration, the board that has charge of the various penal and correctional institutions of the state. No part of this pay went to the credit of the convicts. There is now a movement on foot which has for its object the enactment of a law providing for paying the convicts, or applying to their credit, the sum of fifty cents per day for their services.

Although the small amount of road work done by convicts in



the state might be said to be experimental, yet enough has been done to prove that good results can be had in building a road where the type of construction does not frequently change. It is also believed that if even a small wage be paid the convict, or placed to his credit, still better results will be secured with a more humanizing effect upon the convict.

## V. THE WORKHOUSE AS A REFORMATORY

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BY FRANK R. McDONALD,  
Superintendent, Minneapolis City Workhouse.

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The primary object of any penal institution, or house of correction of any kind, should be the reformation of the human beings who come under its care. This is especially true of institutions known as workhouses, because what might be called human waste of all kinds finds its way to their doors, and every phase of criminality is represented in them; cripples who are discards in the battle of life, broken-down criminals who are unable to return to a life of usefulness, unfortunate old men without adequate means of support, unable or unwilling to secure remunerative employment, those who have seen better days and have become homeless and have lost all ambition to cope with the affairs of life, become, through one cause or another, dependents upon the workhouses for support.

About twenty per cent of the total population of workhouses is made up of these classes, and the problem of their care is not a difficult one, because if they were the only class with which we had to deal, the care of their surroundings and of each other would be about all that reasonably could be expected from them.

The real problem is in the care of the other eighty per cent made up of two distinct types. Twenty per cent of these are made up of men between the ages of eighteen and thirty-five years, many of whom have not yet become confirmed criminals, but who are on the borderland of criminality, and who, unless some saving hand, human or divine, reaches them, go from bad to worse and finally swell the population of state prisons or long-term reformatories.

The greatest part of the workhouse population, however, is made up from a class of men who are neither criminals nor criminally inclined. They are for the most part every-day working men who, through their appetite for liquor and the excessive use of intoxicants, become a menace and nuisance to society, or to their families, so that the law finds it necessary to place them in confinement for short terms; they come from every walk of life—laborers, artisans, book-keepers, clerks, farmers, etc.

Many of the workhouses of the past, and in some instances those of the present day, were conducted on the supposition that the arrest and conviction of a man upon any charge was positive evidence of criminality in him, the dominant idea being to throw him into a place of confinement and treat him as harshly as possible. There seemed to prevail a feeling of vindictiveness towards the so-called criminal, and seldom indeed was any thought bestowed on the moral training of the man, with the result that when a man left an institution managed on lines of brutality, a spirit of revenge was fostered in his mind, and, believing an injustice had been done him, he was in every way nearer being a real criminal than when he entered.

Personal contact with the average man sent to the workhouse has convinced me that while evil may predominate in many, in every one there is an element of good which can be brought to the surface by proper direction in teaching him in a kindly way the necessity of obedience to law. If this is true, it is then the plain duty of every board in charge of workhouses to see that the institution is managed on reformatory lines.

The first principle then of the workhouse management must be the building up of an organization on the basis of doing the most good for the inmates. To this end, discipline of a high order must be maintained among the employees and the inmates. The superintendent or warden should be held absolutely responsible for everything, and, by consent of the board, should be made absolute master in order to secure the best results. He should have full and unquestioned power to hire and discharge all employees, and political appointments should be barred absolutely. It is impossible for any man to manage successfully any penal institution and attain the best results if the positions of his subordinates depend upon their political pull, either with the city, or the board of management, or the superintendent, and unless politics are divorced absolutely from penal institutions it is only a matter of time until failure overtakes the management.

The superintendent should be chosen, not because he is a good politician or because he is an especially good farmer, mechanic, physician or an educator, but for his executive ability in organization, for his fearlessness in choosing or discharging his employees; he should have a heart that can feel for his fellow man, a head that can plan for his betterment, a personality that can command respect and an honest



intention to do what is right and best for those more unfortunate than he.

It is unfortunate for many of our large cities that the idea prevails that workhouse labor is almost useless and so is regarded as a dangerous liability, when in reality it should be a useful asset; for the community that does not furnish useful, productive employment to its workhouse inmates not only does an injustice to its taxpayers, but also is guilty of gross and criminal injustice to the inmates as well.

Starting out upon the theory that the average man cannot be reformed by harsh treatment, that to mistreat him is the surest way to engender hatred and resentment, there should be established between the court that sentences the prisoner to the workhouse and the keeper of that institution, a system of cooperation so that when the man has suffered enough for his offense against society, he may be released on probation and given an opportunity to go out into the world and show his ability to become again a useful member of society. This system is in force in the City of Minneapolis, with the result that many a man has been made a good husband or father and sent out into the world with hopes of a better future, instead of having been kept until his mind became embittered by too long confinement.

One of the great problems of workhouses is the character of employment furnished inmates, and I wish to emphasize the statement that I have no sympathy with the sentiment of makeshift work for prisoners. I believe that every man sent to workhouses for breaking the law should be made, through the product of his toil, to return to the treasury every dollar paid out for his maintenance and care. He should be given hard, useful, productive employment, sufficient not only to maintain him while there, but also to make him realize that he was put into the world for something other than loafing and living on his fellowman.

Having described to you in the beginning the class of men who usually inhabit workhouses, it follows that due consideration must be given to the employment the man is best fitted for, and what class of labor he will be most likely to take up upon his release. In order to accomplish the best results, every workhouse of any size should provide diversified occupation for its inmates. Greenhouses and garden work are suitable for the old and infirm, and the general

work of the house will also keep them employed. Every city has also its hospitals for the poor, where flowers and plants raised by the workhouse greenhouses bring sunshine into the lives of the crippled and paralytic inmates. Farming on as large scale as possible, the planting and cultivating of vegetables, on the most approved and scientific lines, is another employment well suited to the labor of workhouses. I do not mean just makeshift work, but real farming such as a man would be obliged to do if he were earning his living through it.

In locating workhouses, due consideration should be given to the character of the soil; if possible, it should contain some constructive material, such as stone, sand, gravel or clay. When you take into consideration the class of men who come to workhouses you must realize that the closer you stick to the natural products of the earth, the more good you do the man by keeping him close to nature. He should be taught to take his material from the earth and to manufacture it into some useful article. Each day of his labor should show sufficient profit to reimburse the community for the cost of his care. There should be direct cooperation between all the departments of a city or county government, so that the products of the criminal classes in workhouses could be utilized in building up the departments supported by the taxpayer.

I speak of productive employment because I believe when a man knows he is creating something useful he takes an interest in what he is doing; in this class of labor he is not humiliated, but is being educated in a way to make him a useful citizen upon his release.

I think the time is not far distant when every community will see the advisability of a centralization of all municipal dependencies under one broad system, where the pauper, the incurable cripple and paralytic, and the other dependents of the community can be intelligently cared for in separate and suitable quarters. Your so-called criminal population increases in just about the same ratio as your total population, and the same is true of your incurables and dependents. This being true, does it not seem that the law-breaker, who is generally in the best of health, should be made, through the product of his toil to contribute to the support of that other large and more unfortunate class of dependents?

The institution over which I preside is as yet a long way from reaching the ideal state. I do not wish to speak of it save as an object



lesson in what can be accomplished in a workhouse with a daily average of 150 men and 22 women. Within one year, we manufactured 3,000,000 building brick, with a market value in the yards of \$16,500; we built a new cell room and administration building, saving the city \$20,000 in its construction; we built a four-story hospital for tubercular patients, saving the city at least \$18,000; we furnished the city hospital with all its ice, and have given to Hopewell Hospital all its common labor, such as cleaning and laundry, and furnished its bread and vegetables free of charge; while the total cost of operation, including salaries, maintenance of manufacturing plant and prison grounds, did not exceed \$24,000, a clear profit to the city, if we are credited for it all, of over \$30,000.

Inmates of workhouses should be kept constantly employed at least eight hours a day. They should have plain but wholesome food, with surroundings in a clean and orderly condition; they should be allowed at least two hours out of every twenty-four for reading and study, and they should be comfortably dressed, and should be given an occasional vacation from the usual imposed silence, in order to keep them from becoming morose.

I have dwelt at some length on the requirements of workhouses and the physical treatment of the inmate, because I believe reformation must begin by teaching him the value of obedience. I wish to touch upon another side of the subject which seems to me to be of vastly more importance than all the successful business accomplishments of the ablest manager, that is, the saving of the man himself and the conservation of what is best in him, by educating him for better things.

With most men, liquor drinking has become a disease—at least some of our ablest physicians have so stated. If inebriety is a disease, and eighty-five per cent of the population of workhouses reach there through that disease, either directly or indirectly, and if medical science has developed a medicine that will cure the disease, is there any reason why there should not be established in every workhouse in this country a cure for inebriety? Are not most workhouses taking in the drunkard and turning out the drunkard with the same appetite with which he entered? Is it fair to him and to the community that workhouses should go on from day to day, and from year to year, and make no effort to cure this disease in the inmates, that makes mothers and children hide their faces at the name of the



father, that brings misery, degradation and starvation, morally and physically, into so many homes? Then, again, what better place can you find for the cure of inebriety than a well-conducted workhouse? It is so vastly superior to the average sanitarium for the particular purpose, and furnishes every requirement necessary for a thorough renovation of the system; discipline, steady application to work, plain, coarse food, long enforced rest at night and no dissipating hours. I do not speak of this without experience. In three hundred cases treated in the last three years in the Minneapolis City Workhouse, sixty-five per cent have stood firmly to their determination not to return to liquor drinking. Many have fallen by the wayside, but the percentage is so satisfactory to us that I advocate the adoption of the system in every workhouse in the country.

In conclusion, let me say that the management of a workhouse should be looked at from a purely business standpoint, and it is the duty of the management to do what is best for the inmate and for the community: first, in the conservation of all that is best in the man, by educating him for better things; secondly, in making the burden of caring for the so-called criminal class as light as possible for the taxpayers; thirdly, in an endeavor to establish, not a prison or a place of punishment, but rather an industrial school. Then, as the institution increases in population with the growth of the community, and the wealth produced by the inmates becomes greater than is necessary to care for and maintain them, let an even distribution of the surplus be justly apportioned to them that they may go out into the world prepared, morally, physically and financially, to take their places among their fellowmen as upright citizens.

When this state of development has been reached, armed guards are no longer necessary, and in their places, sympathetic instructors may be installed, and all that will be required to make the workhouses as successful as their original founders intended them to be will be good common sense, good business judgment and square dealing with fellowmen.

## ONE YEAR OF HONOR SYSTEM IN OREGON

BY PHILIP E. BAUER,  
Chief Probation Officer of Oregon.

A great deal is being said of late about "The Oregon Honor System" or "Governor West's Honor System," referring to certain treatment of prisoners in the Oregon State Penitentiary. Many letters of inquiry are coming to us, asking us to define this much-talked-of policy. Representatives from the press from all parts of the country are frequent visitors, snapping us from all sides and heaping upon us an avalanche of questions relative to this system. At home and abroad we are called upon daily to define, analyze and explain what we mean by this method of dealing with prisoners.

I desire to meet your inquiry, which is a common one, and bring to you a little glimpse of this system as it is at work. It may prove a little disappointing to you if you have been over indulging your imagination. Or if you are inclined to idealism, it may cause you to heave a heavy sigh. It may, however, be the means of awakening your sympathy and giving you a better understanding of the great problem of dealing with prisoners, which has taxed the ingenuity of statesmen and social students for ages.

In the first place, it must be confessed that it is a difficult matter to define what we mean by such a system. Of course we could evade the definition as the boy did who was asked to define life, and replied in his simplicity, "life is living." So we might say that our Honor System is simply putting men on their honor. It is part of that, whatever that means. To attempt the definition briefly and comprehensively, our honor system is that system of treatment of prisoners in which we recognize some of the dependable qualities of the men and put these men on honor to use these qualities in service for the state, and in which we substitute for kicks and frowning guns so far as we are able, other incentives to be somebody and to do something; thus attempting little new but putting new emphasis on the declaration in our state constitution which says, "Laws for the punishment of crime shall be founded upon the principle of reformation and not of vindictive justice," thus surely antagoniz-

ing the old primitive idea of repression and magnifying the newer idea of expression and unfolding of the latent powers found in every man, of loyalty, friendship and patriotism.

Most men are responsive and reflect in life and deed the treatment accorded them. If cruelly repressed, they come back with bitter antagonism. If hated, they hate back with fury. If trusted they trust. If honored, they respond with honor. If the state has to punish, and it surely does, it can do it with the hand of love, knowing that men will respond to such treatment, and knowing too that outlawry and open rebellion will be superseded by law observance and loyalty. Our system, then, recognizes that men are reflectors and that the expression of confidence on the part of the governor, superintendent, warden or other officers, as well as of public opinion, will be responded to by the prisoner. As he is appealed to by honor and sympathy rather than by fear and hate, he will try to be as good as possible, and if given a chance, will make good if possible.

It works. Of course we who know how it works, know that it does not always work. Some men are too weak to respond to the greatest confidences placed in them. Some men will try with all the possibilities of their soul and fail because of accident or because of bad environment. But, nevertheless, it works. It cannot help it. A thing that is right always works somehow, sometime, somewhere. Over two hundred men of the four hundred and fifty men under sentence here are trusties—out daily without guard, trusted to return at night, and honor bound to do a fair day's work. It is a fair sight to see over two hundred prisoners wending their way to work with only a foreman unarmed attending as sponsor for them. The honor system reaches over one hundred men on parole and conditional pardon. They report once a month or oftener their whereabouts and what they are doing. The honor system goes even further. Of the two hundred men still kept within the walls of the penitentiary, many are holding positions of responsibility and trust, and are honored in many ways. All, save the few who have proved unreliable, are honored by the privileges of attending the Saturday baseball game and the Tuesday evening moving picture show. Every man in the institution is honored with the advantages of night school, religious services, fresh air and work.

But it is not to be supposed that our honor system and our confidences have gone to seed. There is still a stern but kindly



discipline that prevails here. When honor is bestowed, we have a feeling that it ought to be returned in kind. A man much trusted surely is to be even more severely dealt with if he turns down such an offer. Our severest punishments are hanging up, stripes, "hog table" (as the boys call the third table), privileges denied and loss of "good time." There are now sixteen men in the "zebra row" (in stripes) who have sinned against prison grace.

Neither must it be assumed that the honor system is altogether a new system of treatment of the prisoner. While the Oregon State Penitentiary has had a bad reputation for severity in punishment, and in early days the practice was the reverse of the honor system, still for the past ten years there has been a growth to our present position. If this system is now thriving well, it must be remembered that the planting was in the past, and it is now, under the fostering care of our enthusiastic Governor West, coming to bloom.

Does it pay to waste our honor and sympathies on prisoners? Do they escape and break paroles? Yes, they do, but our proportion of escapes, notwithstanding the big percentage that are free to take to the tall timber whenever they may desire, is just about the same as it was in other years in this institution when men were guarded by cold steel, and is about the same as you will find it in other institutions to-day where fewer men are trusted outside of the walls. But the profit of the system is to be noted. Two camps of our boys are building good roads, that which Oregon needs most. All the state institutions located about Salem have been the special recipients of our honor system. New buildings and beautified grounds speak in no uncertain sounds the praise of this system. But above all the men themselves are being tried out for the coming honors of parole and for useful citizens, when they have passed the period of parole probation. Every man is a better man because he has been tried on honor and finds he is able to respond. This is the profit beyond dollars and cents.

It will last. The spirit of the thing will last even if the method and form pass away. If our prisons are to be true reformatory institutions, no other method can maintain. Men can only rise when down, by the helping hand that helps them to help themselves; vindictive kicks do not help them up, but send them down the slope. Most of our criminals have been kicked and repressed until they are knotted in body, mind and soul, but these same repressed ones

the more quickly respond to honor that is bestowed upon them. They cannot escape a genuine boost by being trusted and honored and respected as having some worth to society. But we must learn to substitute a genuine brotherly feeling for some of the effusive sentimentality—then we may hope for a more permanent result. With all its weaknesses, we believe this system has come to stay.

We are hoping still for better things. The Oregon State Penitentiary is a sociological experiment garden. For years we have been doing as other prisons, facing many difficulties, but we feel that the Oregon honor system is a fair flower that grows in this garden. If you will allow the extravagance of the figure, we think that we have out-Burbanked Burbank in our garden, but we are still pruning and cultivating for improvement.

## ILLINOIS JAILS AND THE KANGAROO COURT

BY HASTINGS H. HART, PH.D.,

Director, Department of Child Helping, Russell Sage Foundation.

The Illinois State Charities Commission has just issued its second annual report. The jail inspector relates a plain, unvarnished tale which would be incredible if it were not authoritatively attested. Having been an inspector of county jails for fifteen years, I know from personal observation the dreadful and almost incredible conditions which exist in most of them. While there have been extraordinary improvements in the administration of state prisons and state reformatories during the past thirty years, there has been very little if any improvement of the condition of county jails and police stations. The jail ought to be and might be the most effective reformatory institution in the land. The jail receives the prisoner at the moment of opportunity and in the crisis of his life at the time when he has first fallen into the hands of the law, and when he realizes for the first time the inevitable results of the reckless course which he has been pursuing.

What do we do with the delinquent youth? We thrust him into a vile, unsanitary jail. We expose him to public view in a steel cage like a wild beast in a menagerie. We force him into idle association with the worst characters that can be collected and we establish at public expense a free school of vice and crime. It is to be hoped that the Juvenile Protective Association of Chicago will establish a state-wide organization to deal with the conditions equally abominable which exist throughout the State of Illinois.

The following extracts from the report of the commission relative to county jails illustrate the situation:

It appears to be almost impossible to arouse public attention to the glaring wrongs. Indifference chills every effort toward reform. . . . All that we said in our last report would bear repetition in stronger terms. There is no cause in the betterments noticed in the sanitation of jails to warrant the withdrawal of one word of our condemnation of the jail system in Illinois. (Pp. 42-43.)

Last year only eight jails were found in which clean sheets and blankets



were provided weekly. This year there is an improvement denoted by five; the total is thirteen. (There are one hundred county jails in Illinois.)

Seventeen sheriffs this year report that they do not detain insane persons in the jail. . . . Twenty-six counties which have made special provision for this class do not, however, keep the quarters clean and in proper condition. In the main, this provision consists of ill-ventilated, dirty, padded cells. . . .

The inspector found that the law requiring segregation of minors (ch. 75, sec. 11) is absolutely violated in seventy-two of the one hundred counties visited. The sheriffs are unable to comply with the law while their county boards fail to provide adequate quarters for minors. Including sixteen children under sixteen years of age there were found this year 152 minors in jail . . . most of whom were confined with murderers, thieves and criminals of all classes. (P. 44.)

More than half of the jails are so unsanitary that the sheriff cannot possibly maintain them in "good and sufficient condition and repair" as the law requires. (Ch. 75, sec. 1.)

There are eleven counties wherein no provision is made for women. Many counties comply with the letter of the law which requires separate cells for women, but fail to segregate their cells from those of the men. (P. 45.)

### *Kangaroo Courts*

"There has been an increase in the jails which permit the Kangaroo Court from 25 in 1910 to 29 in 1911" (p. 44). The "Kangaroo Court" is a voluntary organization of prisoners in jails, one by which a rough discipline is maintained, incoming prisoners are hazed, prisoners are assigned to work in the policing of the jail, and in some cases fines are imposed and collected. In other words, prisoners are compelled to work, contrary to law, are disciplined by their fellows and in some cases are actually robbed with the connivance and consent of the officers in charge.

On page 300 the inspector reports as follows: "Knox county prisoners have a Kangaroo Court, but the sheriff carefully supervises it; for example, he will not allow the prisoners to fine one another unless the person fined agrees to it." This statement implies what is doubtless true, that in other jails prisoners are fined whether they agree to it or not; but it makes little difference; the prisoner is likely to "agree" when he knows that he will be hazed or beaten if he refuses. On the same page the inspector says, "There is no place for minors. . . . At the time of inspection, five minors of nineteen years of age, and one, seventeen, were placed in jail with the men." On page 312, reporting on the Peoria County Jail, the inspector says, "The men do most of their own disciplining by means of the Kangaroo

Court. They have two dark rooms for punishment cells, but the usual method of dealing with a man who has violated one of their laws is to sentence him to hard labor." On page 316, reporting on the Rock Island County Jail, the inspector says, "The prisoners have a Kangaroo Court; from the revenue they take two daily papers and buy their tobacco and shaving soap." On page 322 with reference to, the reporting on the Vermilion County Jail, the inspector says "The prisoners in the various wards have Kangaroo Courts. As they are allowed to keep their money in jail, it would be very uncomfortable for prisoners who refused to join the court and thus failed to contribute their money for the purpose of newspapers, tobacco and other articles which the county does not furnish."

The jail inspector's report of sixty pages is a sickening chronicle of dirt, filth, vermin, bad air, over crowding, lack of proper discipline, idleness, enforced association of the insane and criminals, deliberate violation of the laws with reference to the separate court of children and minors and inhuman treatment of the insane.

The chronicles of John Howard with reference to jails of Europe and George Kennan's vivid description of the Russian prisons are no worse than the conditions officially set forth in this report.

The following extracts from the inspector's reports taken as they come will serve as illustrations:

#### *Adams County*

The sunlight never reaches the fourteen cells located in the interior of the jail room. No provision is made for minors; in violation of the law, they must be placed in the main jail.

#### *Alexander County*

The seventeen prisoners shuffle up and down a corridor about thirteen feet long, dark, damp and ill-ventilated; this is all the exercise afforded them.

Quantities of disinfectant are used, but as the county provides the men no change of clothing, no bathing facilities and neither washes the bedding nor equips the men to wash them decently, vermin of all kinds infest the place. . . .

Two separate cells are provided for women; they are dark, damp, ill-ventilated; the toilets are unsanitary, the bedding is dirty. Insane are placed in the jail with other prisoners, unless one of the cells for females is unoccupied.

#### *Carroll County*

Two boys of seventeen and nineteen were in the jail at the time of inspection. They were allowed the freedom of the entire jail, which consists of a single cage for men, women, children and insane.

*Clark County*

There is a rusty iron cage with four cells each 6 x 11 x 7. . . . It is necessary to place six prisoners in a cell when the jail is crowded. . . . The women's section adjoins that of the men. Communication between male and female prisoners is easy.

*Crawford County*

The jail is an old stone structure, dark, damp and ill-ventilated. Men, women, minors, insane, must all be confined in one jail-room. . . . The bedding is never washed. There is no bath tub.

*Coles County*

Women are placed on the second floor; men are not usually placed on the second floor when there are female prisoners.

*Cumberland County*

Women occupy three iron cells on the second floor. As the approach to these cells is of wooden construction, the danger from fire is obvious. No bath or toilet is supplied for the female department.

*DuPage County*

Women are placed in any of four cells which face the sheriff's office. At the time of inspection, a delinquent boy and a delinquent girl, each fourteen years of age, were occupying two of these cells. They were not locked in.

*Franklin County*

Many of the comforts used in the jail are very dirty; there are some bed-bugs. Blankets which can be washed should be used, and prisoners required to change their clothing weekly.

*Gallatin County*

The jail-rooms are ventilated by means of a few windows one by two feet. Openings, about the same size, serve as doorways. The entire interior construction is of wood; there is no fire protection. No plumbing or sewage is provided.

*Greene County*

At the time of inspection, there were four minors in the jail. They were not separated from the older men. One boy nineteen years of age has waited trial for about six months; his offense is having stolen and sold a pair of rubber boots.

*Hamilton County*

The jail is condemnable from every point of view. It is damp, ill-ventilated, the cells are dark, there are no toilet or bathing facilities. No provision is made for minors.

*Jasper County*

The jail is old and has been condemned for many years. The plastering is broken in many places; the wooden construction throughout the interior renders it an unsafe place of detention. . . . A woman was confined in a dilapidated old cell. No bathing facilities are provided for men or women.



*Jefferson County*

Cots, furnished with springs, mattresses and comforts are used for beds. As the comforts cannot be washed satisfactorily, many of them are badly soiled. The deputy sheriff, who acts as jailer, states that the comforts and many of the old mattresses will be burned immediately, and that blankets will be purchased in the future as they can be washed.

*Logan County*

Old mattresses, placed on the floors, are used as beds. Men must wear their own clothing in jail, a fact which makes it necessary to use large quantities of disinfectant to get rid of vermin. A padded cell in the main jail has been provided for insane men. It is musty, there is no ventilation; the padding affords a nesting place to rats and mice. The present sheriff has remained up during the night with insane patients who begged to be released from this dungeon. It is to be hoped that the county officials will make it possible for the sheriff to meet the requirements of the law with reference to jails.

*McLean County*

The jail should be condemned, as it is so dark that artificial lighting is necessary during the day; it is ill-ventilated; and insufficient provision is made for compliance with the law for segregation of minors.

*Madison County*

Minors are placed in the main jail, with older offenders. At the time of inspection, eight minors were detained with older and hardened men.

*Marion County*

Rats and mice abound, as the walls and floors are full of holes. The jail is extremely damp. The jail is unsafe as a place of detention; it makes no provision for compliance with the law for segregation of minors. It is damp and unsanitary in every particular.

*Massac County*

There is no bath tub. The county allows nothing for washing, so the men wash out their clothing in water, which they warm upon the heating stove. The county does not supply prisoners with clothing, towels, razors, reading matter.

*Menard County*

As the windows are about twenty feet from the floor, the cells are very dark and ill-ventilated. The jail is so dark that artificial lights must be turned on all day, and the law requiring separate provision for minors is not complied with. No turnkey is provided, but a "trusty" is allowed to tend the jail at times.

*Moultrie County*

The inside construction of the jail-room is of wood, only the cells being lined with iron. As the escape from the jail consists only of wooden stairs, it is very dangerous to confine prisoners here.

*Peoria County*

As the county allows nothing for washing, the men are required to clean their own towels, bedding and clothes. The dampness of the jail renders it almost impossible to dry woolen blankets, so the bedding is aired daily, and replaced when it becomes very dirty.

*Rock Island County*

The juvenile department is on the second floor, above the men's department. There are but two cells, so most of the eight minors present sleep on the floor. Bedbugs and rats abound in this department. The air is bad. It is scarcely to be hoped that the young men of seventeen, nineteen and twenty confined here, will learn the lessons of good citizenship in this dungeon.

*Williamson County*

Although the county does not supply a change of clothing, and comforts which cannot be washed satisfactorily are used for bedding, the present jailer has managed to get the bedbugs out of the cells.

The conditions found in the county jails are no worse than those which exist in the police stations and average lock-ups of the state which are without official inspection, and the conditions in the jails of Illinois are no worse than those which may be found in nearly every state of the Union. A bill is now pending in Congress for the establishment of a government commission to examine the condition of jails and prisons in which United States prisoners are confined. This bill was earnestly advocated by Attorney-General Wickersham and ought to have the support of every good citizen.

## NEW HAMPSHIRE'S EXPERIMENT IN USING PRISON LABOR TO SUPPORT PAUPERS

BY ELWIN L. PAGE,

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In the early history of the State of New Hampshire the legislature made provision for workhouses for the support and maintenance of the poor and the punishment of idle and disorderly persons. By an act passed in 1791 the various towns were authorized to provide such houses if they saw fit, while the various counties were empowered to institute houses of correction for minor offenders. As the laws of settlement then in vogue did not require the counties to do much by way of support of paupers, no provision seems to have been made for county almshouses.<sup>1</sup> This was the time of transition from the ancient process of binding out the poor to labor to the newer method of keeping them at poor farms. Both methods were at this time legal.<sup>2</sup>

Such substantially was the situation until 1828. In passing, it is worth while to mention the fact that this period apparently saw the emergence of the idea of out-of door employment for prisoners. The justices of the superior court were authorized in 1816 to fix the limits of the jail-yards in the several counties at not more than 200 rods "each way from said jails."<sup>3</sup>

In 1828 the legislature took the next step, by authorizing counties to maintain lands and buildings, not only for a house of correction, but also for the accommodation, support and employment of the poor who might be chargeable to the counties.<sup>4</sup> But the evolution was slow, and as a matter of fact the poor were mostly cared for by the towns. From 1828, therefore, there was for a time a system of poor relief mainly by the towns and upon town farms. Upon these farms, in many cases, were town houses of correction, but on the other hand many towns made no provision for offenders and in such case idle and disorderly persons (which in those days included jugglers,

<sup>1</sup> *Laws, 1797*, pp. 345-348. In default of county houses of correction, minor offenders under county jurisdiction were confined at the common prison (county jail).

<sup>2</sup> *Perpetual Laws, 1789*, p. 172; *Laws, 1797*, pp. 348-349. The time of transition spoken of was of long duration. Even in late provincial times some towns maintained workhouses for the poor. *Provincial Laws, 1771*, ch. 61, sec. 7.

<sup>3</sup> *Laws, 1816*, p. 95.

<sup>4</sup> *Laws, 1830*, p. 302.



pipers, fiddlers and adepts at magic art) were sent, in default of a county house of correction, to the common jail.<sup>5</sup>

The actual institution of a county farm, though legalized in 1828, did not occur until 1846, when Hillsborough county, the most populous, set the example. It is interesting to note that industrial pressure, and not legislation, produced the county farm. The middle of the nineteenth century was marked by the influx of a large Irish and French-Canadian immigration which displaced the native stock as operatives in textile mills. The generation which saw the passing of the mill-worker of whom Lucy Larcom at Lowell was an advanced type, saw the county farm come in and the town farm go out. The new workers, unattached to the native soil and with no accumulation of prosperity behind them, ill-paid as all new workers are, were peculiarly apt candidates for the almshouse. Having no town settlement, they became county charges upon becoming paupers. It was soon apparent that the county could more cheaply care for them in a centralized almshouse than by allowing them to go to the various town farms, where the county must pay their board. Moreover, the town farms were not lacking in the abuses common to such institutions, and a county almshouse could give the paupers better treatment. Naturally Hillsborough, the textile county, first felt this pressure and first met the need. By the early seventies, all ten counties had their poor farms.

The great majority of paupers having now no town settlement and the population of the town almshouses being restricted to town paupers, the municipalities soon found the upkeep of local almshouses too expensive. Town farms were sold in large numbers and town charges sent to county farms. This shift was accelerated by the passage of a law in 1875 abolishing all town pauper settlements acquired prior to 1860.<sup>6</sup> Soon the universal practice was for town paupers not given out-door aid to be sent to the county farm, where the town paid their board<sup>7</sup>—just the converse of the situation before industrial immigration set in. Towns may still maintain farms, but only one chooses to do so.

The centralization of paupers into county groups having been thus effected, it remained to bring about some centralization of the

<sup>5</sup> *Laws, 1830*, p. 303; R. S. (1843), pp. 137, 139, 225, 462; G. S. (1867) cc. 24, 74, 75, 268. To this day the law as to binding out paupers persists, although it is obsolete.

<sup>6</sup> G. L. ch. 81, sec. 6.

<sup>7</sup> Such disposition of town paupers was legalized in 1860.

minor offenders. Most of the latter being dragged into the local police net and sentenced by the local justice or police court, have always been viewed as in a sense wards of the town. As already seen, they were sent to one of the following institutions, in order of preference: (1) the town house of correction, at the town farm; (2) the county house of correction; or (3) the county jail.

With the gradual abolition of the town farm, the first institution disappeared. At first, the counties having made no provision for houses of correction under the laws of 1791 and 1828, the only alternative was to commit the prisoners to jail. There, however, they languished in the idleness typical of the county jail; for the vision of the 400-rod jail-yard caught in 1816 had vanished.

Hillsborough county again led the way, and in 1869 instituted a house of correction in connection with its poor farm. The county commissioners, in their report for that year (p. 6), assign the two advantages of this new venture which apparently were paramount in their minds: (1) the desirability of not having simple drunks or slight offenders go to jail with hardened criminals; and (2) the fact that the six prisoners confined at the farm earned their board, whereas at the jail the county must have allowed the jailer their board and key fees. The second reason, on the whole, seems to have been the weightier one. It was the one relied upon in Rockingham county;<sup>8</sup> and in Strafford county also, though in the latter the additional argument was advanced that, the paupers being unable to do all of the farm work, the prisoners' labor obviated hiring farm hands.<sup>9</sup> In Cheshire county the reasons assigned were "the insufficiency of our jail, allied to the interests of humanity, as well as financial considerations."<sup>10</sup> Merrimack county's reason was that there was work at the farm, idleness at the jail.<sup>11</sup> The reasons given in the other counties do not appear of record, but it is generally understood that in all counties the "financial considerations" had much, if not most, to do with the sending of prisoners to the farms. Every farm had its prisoners by the middle nineties, and most of them by the middle seventies. The movement of prisoners from town to county farms was practically completed by legislation in 1899, when a law was passed declaring that county farm buildings and county jails should

<sup>8</sup> *Rockingham Commissioners' Report, 1870-71, p. 4.*

<sup>9</sup> *Strafford Commissioners' Report, 1878-9, p. 25.*

<sup>10</sup> *Cheshire Commissioners' Report, 1875-6, p. 18.*

<sup>11</sup> *Merrimack Commissioners' Report, 1887-88, p. 4.*



be deemed houses of correction.<sup>12</sup> The consideration which led the legislature thus to define and adopt the practice which had been growing up for thirty years was the financial one.

The justification of this movement rests, in any event, upon one or both of two theories: (1) that men are better off at work upon the farms than in idleness at the jails; (2) that their work upon the farm is of financial advantage to the farm, in that it obviates the hiring of extra laborers and so decreases the net cost of supporting the paupers. These theories will be discussed briefly in their order.

There can be no denying the fact that the prisoners are better off at work on the farm than idle in jail. The work furnished at the county farms, being mostly out-doors is undoubtedly beneficial to this class of offenders. The men cultivate the farms under supervision. With very rare exceptions are the guards armed. Escapes are, on the whole, few. On farms having wood-lots, the men cut firewood in winter. They help care for the stock; paint and do other repairs on the buildings; work upon new construction and at land-improvement. In a few counties they go in limited numbers to help neighboring farmers, or work upon town road repairs, the county being paid for their labor. In one county the road gang was made more efficient by allowing the men a little each day in addition to what was paid the county. This same county contracted its prisoners to build a new house of correction at \$1.25 a day, \$1 to the county and 25 cents to the prisoner. All the contractor furnished was material and superintendence.

This is all excellent, as far as it goes. During the early days of commitments to the county farms, the few prisoners found ample employment. But it was soon found that in this severe northern climate there was altogether too little winter work, and the winter was the time when the prison population was the largest. The prisoners did not find wood to cut on most of the farms, and consequently their winter activities were confined to chores, getting in the ice and now and then breaking out the neighboring roads. This condition was remarked upon in the Cheshire county reports of 1876-77<sup>13</sup> and 1881-82.<sup>14</sup> The Strafford county commissioners, in their report for 1883-84<sup>15</sup>, spoke of the need of more work. The Hills-

<sup>12</sup> *Laws, 1899*, ch. 7, sec. 1.

<sup>13</sup> P. 23.

<sup>14</sup> P. 26.

<sup>15</sup> P. 10.



borough county commissioners in 1898 alluded to the large increase in commitments to their institution and said: "If this class of inmates continues to increase some indoor work should be provided to keep them from idleness and bring some income to the county especially in the winter months."<sup>16</sup> A somewhat similar sentiment was expressed two years later by the Grafton county commissioners.<sup>17</sup>

Unfortunately, however, the situation as to number of commitments grew worse instead of better. Hillsborough commitments increased from 229 in 1898 to 673 in 1905; Grafton from 49 in 1900 to 166 in 1905. The increase in other counties was about equally grave. Besides the slight normal growth of misdemeanancy in this period, the counties had to reckon with the results of the adoption of local option license in place of prohibition in 1903.<sup>18</sup> So enormous was the increase of drunkenness, and 90 to 95 per cent of the minor offenders are committed for drunks, that new means had to be formed to enforce the law against this offense. Before this the enforcement of the law had been solely in the hands of the local police, and the town treasury had been responsible in most cases for the support of drunks at the houses of correction. To counteract the temptation to lax law enforcement, the legislature had, in view of the increase in drunkenness, to take a hand. Consequently, in 1905, a law<sup>19</sup> was passed directing the state or county officers to prosecute at the expense of the town or city where local officers did not. Further the expenses of detention of drunks in county jails or at county houses of correction were transferred from the town or city to the county. Consequently more drunks were gathered in by the police, and the municipal courts were far more liberal in sentencing to imprisonment, the expense of the same being upon the county rather than the town. Consequently, also, the last remaining local houses of correction soon went out of business. It as surely followed that the labor market at the county farms was more than ever glutted.

Several counties have, from time to time, made experiments in indoor industries, but every experiment has been a failure. The truth of the matter seems to be that the admirable out-door activities furnished at the county farm are too restricted to keep all the prisoners reasonably employed, and that the prisoners are too few to make

<sup>16</sup> *Hillsborough Commissioners' Report, 1898*, p. 256.

<sup>17</sup> *Grafton Commissioners' Report, 1900*, p. 138.

<sup>18</sup> *Laws, 1903*, ch. 95.

<sup>19</sup> *Laws, 1905*, ch. 105.

indoor industries reasonably profitable. When a rainy fall day, or the average winter day, restricts the men to only ten per cent of their labor efficiency we have, practically speaking, enforced idleness. It cannot be said that the humanitarian hopes of those who favored the application of prison labor to the county farms have been measurably realized.

It is therefore at once apparent, if the men are not worked to their full-time efficiency, that the second hope as to a substantial saving in the support of paupers is equally far from realization. Any short-term drunk, employed at full time, is not worth more than a quarter to a half as much as an average hired farm-hand. This is notorious among those who have had to do with the problem. If such a prisoner has not enough work to keep him busy, he is worth even less. In 1884, before the conditions were so acute as now, the Strafford commissioners were anxious for more work for the prisoners as a source of revenue to the county. More recently, in 1907, the Cheshire commissioners, after briefly reviewing the situation, came to the conclusion that the maintenance of the prisoners was quite an expense in the aggregate.<sup>20</sup> Exact statistics are impossible, but the writer, after a rather careful inquiry, has reached the same conclusion as the Cheshire commissioners. Most of the other commissioners are of the opposite view, but the Cheshire commissioners and the writer have unbiased support from the State Board of Charities and Correction.<sup>21</sup>

There are two possible methods of dealing with the situation. First, keep on sending drunks to the county farms, but lengthen their terms and make them more efficient, exercising some superior ingenuity in trying to discover indoor industries to keep them reasonably busy. Second, recognizing the practical failure of the experiment so far from both economical and humanitarian standpoints, give up further experimentation at the county farms, remove all prisoners to a central state farm, and there work out the problem with a larger group better adapted to industrial organization, under leadership more expert than can be obtained with the present groups, and with the economies and efficiencies supposed to follow combination. The latter is the solution urged by the State Board of Charities and Correction in order that the prisoners may be thoroughly separated from

<sup>20</sup> *Cheshire Commissioners' Report*, 1907, p. 83.

<sup>21</sup> *Report*, 1903-4, p. 66.

the paupers. At the present time it is under consideration by a special commission authorized by act of the last legislature. The problem presented is by no means a simple one and historical considerations are such as to make the change hard rather than easy. It is interesting to note that if New Hampshire should abandon the experiment which gives this article its title and have a state workhouse for minor offenders separated from paupers, it would have such an institution as was contemplated for the province before the Revolution.<sup>22</sup> Were our great-great-grandfathers wiser than we?

<sup>22</sup> *Provincial Laws, 1771, p. 73.*



## THE COURTS AND PRISON LABOR

BY GEORGE COSSON,  
Attorney-General of Iowa.

Those who decry against the tendency of humanitarian methods of punishment should remember that the more barbaric and severe the punishment, the less will be the number of convictions and consequently the less the fear of punishment.

Not only juries but courts consider the kind and character of punishment in dealing with criminals. There is scarcely a criminal trial but what jurors discuss the punishment to be meted out to the defendant, and because of this, some judges decline to mention in the instruction the nature of the punishment, especially if the punishment is severe. But jurors can hardly be criticised for this when courts themselves are greatly influenced by the punishment to be inflicted upon the defendant. Indeed, the very inception of technicalities and refinements of court procedure was invented by courts because of the undue harshness and severity of the criminal law two or three centuries ago. As late as 1909 it was held in England in the case of *R. V. Kirkpatrick*, 73 J. P. 29, that the judge might properly take into consideration the treatment a prisoner would receive while under sentence, and to this effect see also *R. V. Syres*, 73 J. P. 13; but we do not need to go beyond the boundary of our own state.

Our own supreme court in the recent case of *State vs. Baker*, who was charged with murder and convicted of murder in the second degree, held there was ample evidence on the part of the state to rebut the theory of the defendant of self-defense, but on a re-hearing reduced the sentence of the defendant from twenty-two years to fifteen, notwithstanding the parole board is created for the special purpose of determining when it is wise to release criminals under parole or pardon. The recent action of Governor Donaghey, of Arkansas, in releasing 360 prisoners who were working under the contract labor system is familiar to all.

In view of the fact then that executives, courts and jurors are influenced by the punishment prescribed for criminals, if the punish-

ment is not wise, humane and just, it results in the escape of a large number of prisoners from any punishment at all.

It follows that while improvement may be made by reform in court procedure, no permanent or complete relief can come except by a fundamental change in our entire penal system. The defendant must be compelled to right the wrong that he has committed in so far as possible, he must become a producer and be required to support himself, and, if possible, those dependent upon him, and in so far as possible and practicable to return to society that which he has wrongfully acquired.<sup>1</sup> A complete change in the penal system of Iowa was recommended as the result of the investigations of the special committee appointed by the governor which reported in 1912.<sup>2</sup>

The death blow has been struck at the contract system of penal labor and nothing remains to be done except properly to arrange for the obsequies. In Iowa, the Board of Control has gone on record against this system, and planks declaring against it were contained in the platforms of Republican, Democratic and Progressive parties. Moreover, a similar plank was found in the National Progressive Platform; and the recent American Prison Congress at Baltimore registered a strong condemnation of it.

The objections to contract convict labor are that it is a form of slavery, and also unjustifiable because responsibility and authority are divorced. It is the exploitation of the helpless convict, not even for the profit of the state, but for the profit of a private corporation. It is to a greater or less degree the wrongful surrender and abandonment of control and jurisdiction over the person of the convict. It furnishes opportunity for convicts to communicate with the outside world in violation of the rules of the institution and to receive opium, morphine, cocaine and other forms of dope if the employees of the contractors are subject to improper influences, or even unduly sympathetic. It furnishes opportunity for corruption between the contractors and prison officials and officers of the law. It subjects prison officials to criticism regardless of whether or not there is real foundation for the charges. It tends to destroy discipline. It impairs reformation and destroys hope on

<sup>1</sup> *Ninth Biennial Report of George Cosson, Attorney-General of Iowa*, p. 18.

<sup>2</sup> *Report of the Committee to Investigate the General Management of the Iowa Penitentiary at Fort Madison*, pp. 56-8.



the part of the prisoner. It is injurious to the manufacturer employing free labor. It causes unfair competition to free labor, because it tends to destroy the living wage and lessens the opportunity for labor—on the whole, it is economically unsound.

The problem confronting us in this state is to devise a substitute for contract labor. It goes without saying that any system which confines able-bodied men in idleness and solitary confinement is infamous and barbaric, and is clearly economically unsound. Further elaboration is therefore not needed to demonstrate that when the contract convict labor system is abandoned, as it will be as soon as the present contracts expire, some other and better form of labor must be substituted.

Prison labor, in so far as possible, should be profitable; that is to say, every prisoner should not only be permitted, but compelled, to support himself, and in a large measure should support those dependent upon him.

The labor should not be injurious to the prisoner's health, but, on the contrary, should be of such a character as to render him stronger, both mentally and physically, at the time of his discharge than he was at the time of his entrance. Furthermore, the labor should be such that after his release he can profitably follow a similar calling, and in no way should it be prejudicial to free labor and the free manufacturer.

We cannot approach the question fairly unless we consider the welfare of society, the welfare of the prisoner himself, the welfare of those dependent upon him, the welfare of free labor and the welfare of the free manufacturer and the free producer.

All these elements must be kept in mind, and when all are considered and each given its due proportion, I think it will be found, beyond question, that the penal farm should be a large factor in the employment of prison labor in the State of Iowa. The farm should be established upon the colony system so as to afford opportunity for complete classification, segregation and individual treatment of prisoners. There should be confined to this farm first offenders who are not shown to be depraved and vicious by nature, except those who should receive special manual training, and these should be sent to Anamosa. The Board of Parole should have authority to transfer to the farm such recidivists and long-term offenders as had served a substantial part of their sentences at Fort Madison



and had also given such evidence of good conduct as to make it comparatively certain that if transferred to the farm no injury would result therefrom.

The farm should contain at least two thousand acres. It should be located so as to be reasonably accessible to the capital city. This would afford opportunity for more frequent inspection by the Governor, the Board of Control, the Board of Parole, the Attorney-General and members of the General Assembly. The farm should be isolated and hence should not be in the immediate proximity of any city or town. It should, however, be located near a steam or interurban railway with arrangements for station stop and side tracks.

There should be intensive farming following the scientific principles of agriculture. The farm should therefore be located reasonably accessible to our State Agricultural College at Ames, and the professors of our Agricultural College, post-graduates and undergraduate students of sufficient training should give instruction at the penal farm in scientific agriculture, including instruction in dairying, poultry and stock raising; in short, there should be such cooperation and assistance given by the Agricultural College as to furnish the prisoners with a knowledge of every branch necessary to practical farming under the most improved and scientific methods. This farm should not be sufficiently close to the Agricultural College and it goes without saying that the function of the Agricultural College should be to furnish instruction and nothing more. Under this system, instead of using military guards on dress parade, graduates of the Agricultural College could be used as instructors and co-laborers.

Cooperation of the Agricultural College with a large penal farm would be of very great value to both institutions. It would furnish for the college a means of experimentation and demonstration; it would furnish additional opportunity for students to put their theoretical knowledge into actual practice, and it would furnish the most healthful employment possible for the prisoners. It would be the highest kind of productive labor; it would give the prisoners that kind of practical knowledge which would be of the most value to them upon their release. The labor would not be injurious to free labor, nor would the prisoners be performing women's work, nor the work of the blind. Every branch of farming should, and

could, be carried on; and dairying and poultry and stock raising should all receive special attention.

Our Board of Parole says that a position can always be secured for a prisoner upon the farm if he is capable. The demand for farm laborers is always in excess of the supply, but the reverse of this is true with men engaged in other occupations. Many a man is kept at our penitentiaries and reformatories for a considerable period of time after he is subject to parole, until a position for him may be secured.

The value to the state and to society in transforming a large number of debilitated and shiftless men from cities and towns who previously spent their time in idleness into useful, healthy citizens to go into every part of the state upon their release and engage in the highest form of productive labor, viz., scientific agriculture, scientific dairying and poultry and stock raising, is beyond estimate; but even to return to the farm those who have previously been engaged in farming, instead of transferring them to cities and towns upon their release, at best only partly equipped to earn a livelihood, will be of untold value, provided that during their confinement on the penal farm they receive that knowledge and training in farming, and that degree of efficiency which they undoubtedly should receive.

The products of the farm need be injurious in no way to free labor, and it is beyond question that scientific agriculture and intensive farming may be made very profitable. Consequently farm work would permit the prisoner to be not only self-supporting, but to contribute largely to those dependent upon him.

Because of the peculiar location of Fort Madison, the supplies for the institution are largely purchased in the State of Illinois, the Iowa producer having no opportunity to compete. Not a ton of Iowa coal is used at Fort Madison. This, of course, is due entirely to the freight rate necessitated by the location. What is true of coal is true of many other supplies. If the Milwaukee Railway Company can abandon a part of its line in the State of Iowa in order to straighten its track and reduce its grade, surely the state itself can abandon an institution the location of which practically excludes the Iowa producer and jobber from furnishing supplies, and makes the cost of operation excessive. For these reasons, Fort Madison has been condemned by legislative committees and by the Board of Control. It is a subject of common remark that no worse location



could possibly have been found, either in this state or any other, for a penal institution. To enlarge the grounds at Fort Madison would only commit the State of Iowa to a third-rate policy in dealing with its defectives and criminals, while by the expenditure of a reasonable amount of money we can transform our penal system so as to place it in the forefront of the states of the Union.

Furthermore, practical prison officials, from the warden of our own penitentiary to the wardens and superintendents of the large penal institutions of this country and the directors and governors of the large penal institutions of Europe, and the leading authorities on penology in this and other countries, recognize three things as fundamental to any great prison reform, viz., classification, differentiation and segregation, and, to use a French phrase, "the individualization of punishment;" that is, the treatment of men as individual beings rather than the treatment of crime in the abstract or the convict as a type or class.

Sir Evelyn Ruggles Brise, who, at the last International Prison Congress at Washington, D. C., was elected to succeed Prof. Charles R. Henderson as president of the Congress, in his address to the Congress, said: "Of all the prison systems of the world, that will be the best where the arrangements admit of the greatest individual attention being given to each individual case."

This classification, this segregation and this individualization of treatment and punishment are not possible with the large number of offenders at Fort Madison, guilty of all forms and degrees of crime—hence a new state farm is absolutely indispensable.

The State of Iowa has not purchased an acre of ground for any of its institutions that it could not now sell at a profit of from one hundred to four hundred per cent, and it has not purchased an acre of ground for gardening or agricultural purposes which has not been operated at a profit.

If it is urged that the state cannot afford to appropriate sufficient money to purchase a new state farm, reasonably accessible to Des Moines and Ames, I can do no better than call attention to the fact that Illinois has recently appropriated \$600,000 for the purchase of a new farm of two thousand acres, and is now abandoning the Joliet prison, the present valuation of which is \$3,000,000, although its original cost was \$17,000,000. In connection with the Joliet prison is a farm of over two hundred acres.



All the prisoners could not be employed during the entire year in farming, but by the application of scientific methods, fruit, vegetables, dairy products, poultry, etc., sufficient to supply the state institutions could be produced and useful work furnished a large number of prisoners. The limited cooperation between the Board of Control and the Agricultural College is sufficient to show its importance. Prof. Beach and his assistants at Ames have rendered valuable assistance to Dr. Witte in the raising of apples and other fruits at the State Hospital for Insane at Clarinda, where an apple orchard of thirty acres has been made to produce an annual revenue for the last two years of \$125 per acre, notwithstanding the fact that over half of the trees were not bearing—all the work being done by the inmates of the institution under the direction of Prof. Beach.

A number of the men at Fort Madison and Anamosa can be worked upon the highways, although it is not advisable to work anyone on a highway, or, indeed, on a farm, unless he has shown such disposition and habits that he can be trusted within reasonable limits. It is not proposed to use chain gangs or armed guards. The work on the highways should be optional to men who have served sufficient time to be subject to parole, and they should be paid a reasonable wage; under such conditions there is no reason at all why prisoners may not be so employed with profit to themselves, to the state and to society.

Experience has taught us that if prisoners are properly compensated for their labors, their efficiency can be increased from ten to one hundred per cent, and I am thoroughly convinced that the business end of our penal institutions should be operated in much the same way that a large private enterprise is operated. The books of the institution should be so kept that the aggregate working force of the institution could be known. The men should be paid according to the efforts put forth; they should be enabled to pay for the cost of their conviction, and should be enabled to support those dependent upon them or be able to fund their savings against the day of their discharge. A proper allowance should also be made to those men who, by reason of infirmity, are unable to do a full day's work.

The jail system of Iowa, like the jail system of all the states of the Union, is the very worst system that it is possible to conceive—idleness and either solitary confinement or base companionship.

It is almost inconceivable that an enlightened, free people should continue a system as vicious and barbaric as the present jail system.

A few days ago one of the judges of the state called me in consultation as to what to do with certain men who were repeatedly guilty of gambling. They were spending their income in gambling; they were not supporting their families, and, with winter approaching, a jail sentence with comfortable lodging and good board seemed to be a form of reward to these particular characters, rather than a punishment.

State supervision of our county jails might, of course, eliminate a few evils, such as unsanitary conditions, the confinement of boys in the same buildings as hardened criminals with no barrier except a lattice work partition, and even the confinement of women under such conditions, but this would be merely a surface reform. This would not get at the root of the evil; it would not tend to compel the individual to do that which he has neglected and failed to do—support himself and those dependent upon him. We need a system which would compel a man to do that which he has failed to do; but no form of state supervision and state visitation would accomplish this purpose.

In an agricultural state, with but few cities, it is impossible for the various counties to provide any form of real productive labor for misdemeanants sentenced to a term in the county jail; and if it were possible to provide some means of work in the several counties, there would be as many kinds of discipline as there are sheriffs.

No man can be a detective, a policeman and a warden at one and the same time; and yet this is what we expect our county sheriffs to be.

I cannot insist too strongly upon the fundamental proposition that the state itself should administer the punishment for infraction of state laws. This can be done only by providing several state institutions which might be known as district farms.

All that has been said with reference to the necessity for a state farm for those guilty of felony is equally true as to the necessity of district farms. These district farms should be located in various parts of the state, so as to be accessible to the different counties and cities.

The necessity for segregation, classification and quarantine is as great with misdemeanants as with felons. Since a large percent-



age of all the inmates of the penitentiaries are under twenty-six years of age, and since every hardened criminal passed through the stage of a petty criminal, the necessity becomes apparent for more scientific methods of dealing with minor offenders so as to effect reformation rather than to furnish them with a university training in vice.

Nothing of greater importance will come before the Thirty-fifth General Assembly of the State of Iowa than the question of providing proper labor for all the criminal and delinquent classes of the state. To deal successfully with any criminal, whether guilty of a misdemeanor or of a felony, whether a first offender or a recidivist, the indeterminate sentence is indispensable, and the possibilities of the suspended sentence and the parole have not yet been fully developed.

Better supervision upon the part of the state for all offenders, whether misdemeanants or felons, under parole or under suspended sentence, should be provided. Under our present system, no labor whatsoever is provided for persons given a jail sentence, no method is provided to compel them to pay the cost of their conviction, and but a very small amount is received for the labor of the penitentiary prisoners working under the contract system. These factors make the cost of crime in Iowa far greater than the public imagines, while, in addition, thousands of innocent persons are made to suffer by reason of our form of punishment. They are deprived of the support of the bread winner, and he is not so severely punished, having, at least, a warm place to stay and good board and clothing at the expense of the state. This is due primarily to our failure to properly employ, at productive labor, persons sentenced for crime.

Jurors are supposed to follow the instructions of the court and consider only the guilt or innocence of the defendant, leaving it to the court to prescribe the punishment as by law provided; but every prosecuting attorney knows that the majority of verdicts are determined by the sympathies of the jurors. Therefore, they know that unless they can adduce sufficient evidence to remove the natural sympathy which some jurors always have, there is but little probability of conviction. The criminal lawyer understands this when he has the wife, the little children or the gray-haired mother in the court-room and as close to the jurors as possible; and these methods are followed to-day because of the fact that the old theory of vindic-



tive punishment is still prevalent in the minds of the people, and because jurors feel that our penal institutions are, at least to some extent, torture chambers. The very large number of acquittals in this country due to verdicts based on sympathy and the technicalities of the law furnished the basis for President Taft to say: "The administration of criminal law in this country is a disgrace to our civilization."

The question of prison labor is the very foundation of all reformation. All other questions are incidental. The ultimate thing to be obtained is, so far as possible, to make the offender right the wrong which he has committed, but in doing this to see that another and greater wrong does not follow as a necessary consequence. This can be done only by requiring and compelling every offender to work at some productive, healthful labor, not unduly prejudicial to the free laborer, free producer and manufacturer, and by paying him a wage which will enable him to support himself and contribute toward the support of those dependent upon him.

If we make up our minds that the state can do what can be done under private management, if we go about it in a thorough business-like way, if we eliminate all politics and everything that savors of politics or favoritism, and if we make proper allowance for the care and education of the ignorant and the defectives, we can place Iowa in the forefront of all states in the Union in the care and reformation of her unfortunate and criminal classes. We can aid every man to live a useful life, notwithstanding his past record. We can discontinue the present evil policy of punishing his family and those dependent upon him more than we punish the convict, and we can reduce to a minimum the economic waste incident to confining men in idleness or exploiting them under the vicious contract convict labor system. We can do this if we have the courage, the vision and the patriotism to do the things which are plainly necessary; but we cannot do it by a mere pretence of reform, by false economy, by opportunism and temporizing.

## THE TRADE-UNION ATTITUDE TOWARDS PRISON LABOR

BY JOHN P. FREY,

Editor, "International Molders' Journal," Cincinnati, O.

Trade-unions have been forced to study the problem of convict labor for the most practical of reasons, as one phase of prison labor affected the wage-earner's standard of living.

Prison labor under the contract convict labor system has unquestionably been the means of lowering the wage rate for thousands of wage-earners and in some instances its competition has practically driven an industry from the field. It is because of this competition and for humanitarian reasons that trade-unions have been opposed to its existence. They are strongly opposed to contract convict labor because they believe that it has been brought into existence and extended wherever possible, largely for the personal profit of private parties and because it tends to relieve prison wardens and boards of penitentiary managers from personal responsibilities and administrative duties which would otherwise rest upon them, and in addition, because of their conviction that under this system the prisoners' welfare and reformation are made secondary to the making of profits for the contractors.

One result of prison labor is the displacement of free labor by convict labor either by throwing free workmen out of employment or by doing work which free workmen would otherwise have performed. But if the convict is to be occupied at useful labor during his confinement, this form of competition cannot be altogether avoided, although it might and should be applied so as to work the minimum amount of competition with free labor in view of the large number of unemployed which we find in so many portions of the country.

It is not this phase of the competition of convict labor, however, which has placed the trade-unions in determined opposition against the system of contract convict labor which exists in many of our penal institutions. The trade-unions believe that the most sound economic and humanitarian reasons, as well as reasons of



public policy, require that the prison inmates should labor and that their labor should have a useful object and a market value.

Unfortunately the true attitude of organized labor on this subject is not as well known as it should be. Only recently a prominent publicist whose sympathy with the wage-earners is well known, in discussing the attitude of the trade-unions toward prison labor, made the statement that, "the opposition of the unions to prison labor is another count in the indictment. This rests upon a narrow view of advantage which helps to discredit the trade-unions. Here, again, a small gain to a class is suffered to outweigh a heavy loss to society. The injury which prison labor could inflict upon organized labor is inconsiderable, the damage which would be done to the prisoners by keeping them in idleness is enormous. The unions greatly injure their own cause when they adopt the policy which sacrifices the general welfare to their own interests in a manner so flagrant."

Organized labor has a definite policy on the question of convict labor which it has consistently endeavored to apply; and with which it seeks to secure support from the public. The trade-unions have never advocated that convicts should be kept in idleness; instead they have insisted that convicts should be employed, believing that the convict's reformation would be impossible without useful and healthful labor.

Organized labor, however, has differed radically with some business and political interests as to the manner in which convicts should be employed and the conditions which should surround them while at work. They have always vigorously opposed the contract convict labor system, insisting that the convict's labor should not be performed for the private profit of a contractor who is engaged primarily in making money through the forced labor of the unfortunates over whom he has control and whose interest in their reformation is generally a negligible factor.

It is because of their opposition to the contract convict labor system that trade-unions have been accused of being opposed to convict labor for selfish and narrow reasons, by their opponents and those who are not well informed as to organized labor's attitude on the subject.

It is not the work of the convicts as producers which meets with trade-union opposition, nor is it that by working they may keep



some free men idle. It is instead the methods by which prison labor, when performed for the benefit of private contractors, places the product of the convicts' labor on the market and thereby forces reductions in wages upon large numbers of free workmen thereby lowering their standard of living.

To illustrate the trade-union attitude upon this subject let us presume that the state should decide to build an addition to one of its prisons or erect a new public building by convict labor. This would replace the labor of a proportionate number of building trades workmen who otherwise would have been employed.

If instead of erecting a public building with convict labor, the state should give building contractors the privilege of contracting for convict labor and these convicts were placed to work erecting buildings for private individuals in competition with contractors employing free labor, then an entirely different form of competition would be created, for not only would the number of convicts employed displace a proportionate number of free workmen, but the prison labor contractors, because of their much lower labor costs, would force the private building contractors to reduce wages or drive them from the field. It is against this form of convict labor competition that the trade-unions object.

In the iron molder's trade, stove hollow ware has been practically driven out of the foundries in the United States through the competition of similar ware made by contract convict labor, for the molders could not exist on the wages for which they would have to work to compete with the convict, whose labor is sold to the contractor for as low as sixty-five cents per day.

There are many other vital reasons why the trade-unions are opposed to the selling of convict labor to private contractors. It is an injury to every employer who is forced to meet with this system's competition. If the convict is to be worked for profit, then his work should be done for the benefit of those dependent upon him, and for the state, with a principal view to his reformation and not for the enriching of private contractors. It is an inhuman system which turns our prisons and penitentiaries into factories operated for private gain instead of places where the prime object should be the convict's reformation, and his labor of a nature which would tend to assist in this most essential direction.

For years the trade-unions have endeavored through legislative

efforts, to have the convicts employed out of doors as much as possible, where the sunshine and pure air would build up the physical man and give that rugged health which would enable the unfortunates upon their release to have clear heads and strong bodies, instead of being the pallid wrecks which so often leave the prison door, nerveless, dejected and unfit to undertake the task of reclaiming their places as useful members of society or to properly support themselves through their labor. The trade-unions insist that convicts shall be employed, but they are equally insistent that this labor shall be performed under conditions which will tend primarily toward their reformation.

It is recognized to-day by practically all students of the question that the majority of inmates in our penal institutions are largely the victims of circumstances for which society is partly responsible. If this is true, then society owes an obligation to the unfortunates which it cannot discharge unless it makes the period of detention an opportunity for reformation, a period during which the prisoners' physical and moral condition will be developed to a higher plane.

Practical considerations have led the trade-unions to believe that the contract convict labor system is as great a crime committed by society against the average prisoner as the act which may have made it necessary to place the unfortunate within the prison walls. The conviction is growing among trades-unions that the idea of profit even to the state should be eliminated from prison labor.

Society's main object in confining the law-breaker is to safeguard itself from those who are inherently vicious and from the much larger number who have fallen into evil ways and whose reformation is not only possible, but most probable, if the conditions surrounding confinement are of a proper nature.

The labor should be of a character which would teach the prisoner to use his head and his hands, and any labor which does not require the use of both, such as the operation of a semi-automatic machine or the continuous and monotonous repetition in the manufacture of small articles such as brushes, or the operation of a sewing machine on garments must have as fatal an influence against reformation as the monotonous work in some of our factories has on the development of mental and physical growth.

There is a popular but erroneous impression that the prisoners



in our penal institutions are given an opportunity of learning a trade during confinement and that the prison or reformatory can be made the stepping stone to a trade, but those who have benefited the most by this are those who have derived private profit from the convict's labor.

The so-called "trades" taught in our penal institutions do not educate the prisoner and fit him to work as a mechanic after his release. Of what practical value is the experience which the convict acquires while working upon the weaving of wicker work, the making of cheap shirts and overalls, or on brushes or brooms or the one or two operations in connection with the making of cheap shoes? Even though the convict should become exceptionally expert in any of these lines of labor, he would find himself, upon his release, qualified to work only in those branches of industry which pay the lowest of wages, and in no sense would he be qualified to hold his own as a competent mechanic. In fact, it would seem that much of the work in our penal institutions has been largely of a nature to handicap rather than prepare the convict to earn a livelihood upon his release.

There is much work requiring the use of both brain and the hands which is necessary in connection with the maintaining of our state and eleemosynary institutions which could and should be done by convicts. There are highways to build, there is farm produce to be provided, there are many articles required in connection with our public institutions, and the convicts can work on all of these with a minimum of competition with free labor and with no injury to the farmer.

For this work the trade-unions believe the convict should be paid by the state so that he may be made to realize that the state does not rob him of his labor—a common impression among the convicts to-day—but that his confinement has been made necessary for his own good and the safety of society and that during this confinement society is discharging its obligations to him, giving him an opportunity of reformation, and enabling him to earn money which will save him from actual want upon his release, and what is equally as important, enable him during confinement to provide for those who are dependent upon him and who without his assistance are forced in many instances to depend upon private charity.

A husband who is confined for a year or more is likely to find



the family ties severed upon his release. The wife has been forced single-handed to undertake the task of keeping the home for the children and this has frequently been an impossibility, the children becoming objects of charitable institutions, and the home, the strongest sheet anchor to hold the convict upon his release, has been destroyed because the bread winner, during his term of confinement, has been unable to contribute to the support of his wife and his offspring.

The trade-unions believe that the convict's labor should be paid for in wages so that there will be a sum to give him when he reenters freedom and something to help support the family who, under the present system, are forced to suffer and to depend in many instances upon others for assistance.

President Gompers, in his report to the Atlanta convention of the American Federation of Labor, in 1911, summed up the trade-union attitude upon this question in the following words: "Prisoners should be required to work not for the private profit of contractors, nor even for the financial profit of the state, but for their reformation and for the benefit of their dependents."

In commenting upon this declaration the committee on the president's report said in part: "We are unalterably opposed to the labor of convicts being let to contractors. We believe that the ultimate solution of the problems will come when the convicts are engaged in the widest possible diversity of industry by hand labor for the use of eleemosynary institutions. By this both body and mind will be strengthened."

These two statements seemed so thoroughly to express the trade-union attitude on the question that Mr. Gompers incorporated them without change in his report submitted to the Rochester convention of the American Federation of Labor in 1912.

Briefly reviewed, the trade-union attitude towards prison labor is that its first object should be the prisoner's reformation, that under no circumstances should any element of private profit enter into consideration, that the labor performed by the prisoner should be of a useful nature and that for this labor the convict should be paid for the benefit of those dependent upon him and for his own assistance upon regaining freedom, and finally that the principal object of the state should be to protect itself from the vicious and unfortunate, to give them an adequate opportunity for reformation but not to derive profit from their labor.

## THE STATE-USE SYSTEM

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BY COLLIS LOVELY,

General Vice-President, Boot and Shoe Workers' Union, Boston.

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There are but two reasons why prisons are necessary: first, to protect society by removing the criminal from our midst; second, to reform the prisoner. Therefore any system of employing convicts that in any way curtails the possibility of reform is criminal in itself, and should not be tolerated in any civilized country, and yet a casual observation reveals the fact that most of the prisons of the United States have been commercialized, and that profit in the labor of convicts is the first consideration, and reform of the least concern to those in charge.

There are four systems of employment generally in vogue in the prisons of the United States, namely, the lease, the contract, the piece-price plan and the state account, all of which are vicious from a competitive point of view as from their lack of reformatory features.

The contract system is particularly vicious because:

First, the object of the law is to reform the convict, while the object of the contractor is to make money from his labor without regard to his reform.

Second, it is destructive of prison discipline from the fact that the prisoners are for eight or ten hours a day under the control of the contractor or his agent, who are in no wise responsible for their reformation.

Third, it renders impossible a diversity of employment suited to the different capacities of the prisoners and the conditions necessary to their moral training.

Fourth, it is the intention of the law and to the best interest of society that the terms of the best conducted prisoners should be shortened. It is to the interest of the contractors to keep them longer in prison.

Fifth, it makes impossible any proper classification and separation of prisoners, and places in daily contact the comparatively innocent or accidental criminal with the most hardened and depraved.



Sixth, the profits of the labor of the convict belong to the state the laws of which he has transgressed. The contract system gives those profits to parties not representing the state or interested or responsible except for a monetary consideration. This is a constant menace to the discipline of the prison and the reformation of the convict.

Seventh, manufacturers engaged in similar industries and employing free labor cannot possibly compete with manufacturers having the advantage of a prison contract, the labor cost of which is usually less than one-third of its real value.

For example, the Western Shoe Manufacturing Company has a contract for the manufacture of boots and shoes at the Minnesota State Prison at Stillwater, Minn. The total cost of men's welt shoes named in the contract is fifteen cents per pair, with no charge for the labor of new convicts for the first ten days. In addition the contractor gets free rent, power and light. The labor cost to manufacturers employing free labor is about forty-six cents per pair, exclusive of all overhead charges.

Thus, it will be seen that the difference in the labor cost is so great that competition is quite impossible. The above is but one of many instances where contracts of similar nature are in vogue in the manufacture of shoes, and what is here related will apply with equal force in many other trades, such as shirts, pants, overalls, and brooms, hollow ware and many other articles.

The contract system is condemned by employer and employees alike; in fact, it has no defenders except those who profit by it. It often happens that prison contractors are men of high standing in the community in which they live. They give liberally to charity.

The president of the company having eleven prison contracts in as many institutions is also president of a charity association and is quite prominent in the National Conference of Charities and Correction, and yet he is part of the system which is responsible for much of the cruelties that exist in all prisons that are operated for profit to the exclusion of reform. How true the old saying, "Charity covers a multitude of sins."

The most cruel tortures practised in nearly all prisons where the contract system is in operation, such as the whipping post, the paddle, the water cure, hanging by the wrists and many other methods equally cruel are administered for no reason except that the



prisoner has failed to satisfy the contractor in the amount of work performed.

Not only is reform impossible under such treatment, but the prisoner is bound to become more criminally inclined. Life does not stand still, even in prison. The man who grows no better must steadily grow worse, and so our prisons are becoming confirmatories instead of reformatories, as originally intended.

Nearly half a million persons are sent to prison every year in the United States. Most of these people are not really criminals; most of them are first offenders. They have blundered, but they are human and surely they deserve a chance to make amends for the wrong they have done. Give them a chance and many of them will reform.

The only system of employing convicts that appears in any way commendable to the writer is that system which most effectively protects the moral and material interests of society, regardless of pecuniary profit, and improves the morals and material opportunities of the prisoners.

Such a system has been in operation for a number of years in the New York state prisons located in Sing Sing, Auburn and Clinton. In these prisons there are twenty-four different industries engaged in the manufacture of articles for use in state institutions and political divisions thereof.

The system has proved an unqualified success and merits extension to all penal institutions in the state and country. No institution supported wholly or partially by the state should be allowed to purchase a single article in the open market that can be supplied by the prisons. This would give employment to diversified prison industries and occupations, and fit the prisoners to procure and perform lucrative labor at the expiration of their prison terms. It would fit them to earn a living by an honest trade instead of gaining one by one or another of the various forms of crime which their industrial inability and consequent cheap labor value lead them to embrace. Hence the value of diversified prison industries and occupations conducted under the most improved methods and with up-to-date machinery.

The New York system has produced positive results that cannot be disregarded and merits the serious consideration of every student of prison reforms and society in general.

It has abolished all inhuman systems of cruelty practised under the guise of punishment, which are common in institutions in other states, and has removed prison administration from the field of money corruption and practically made graft an impossibility.

The New York system has abolished competition in the open market between free and convict labor. This is of widespread importance to free labor, free institutions and in fact to freedom itself. It is the entering wedge that will eventually overthrow and completely destroy the convict contract system with its attendant chain of evils. It reforms the prisoner and reinstates him in his social rights and workday opportunities. It straightens and broadens his vision and inspires him with the blessing of honest, industrious citizenship of the most incalculable benefit and essential to the higher, deeper and fuller development of civilization.

## PUNISHING THE INNOCENT

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Some time ago while waiting in the Providence district court for the trial of a man in whom I had a personal interest, a number of cases were disposed of with startling rapidity. Automobile speeder followed brawler, and thief followed the man sued by his wife for non-support. It was an interesting array of cases representing every stratum of society and every degree of intelligence and honesty. Fines and costs were imposed frequently, some paying the penalty in dollars and cents, while others, failing to produce the necessary amount demanded by the court, were led away into the lower section of the building where they were to await the help of a friend, or a jail term. It seemed unjust that the thief or automobile speeder should be allowed to go, while the poor men or women guilty of the same offenses, but financially unable to meet the penalty imposed by the court, should be imprisoned.

This incident led to an extensive investigation into the methods of dealing with offenders in the state, and the adequacy of the present system. Upon examination of the books of the Sixth District Court in Providence, it was found that during a period of three months, out of a total of 293 cases of male offenders upon whom fines were imposed, 79, or 26.9 per cent, were unable to pay their fines and were sent to prison. In the case of the women, out of forty-six cases, only seven were unable to pay their fines and were sent to prison. It seemed clear from the figures that, while there was no distinction in law between the rich and the poor, the actual enforcement of certain of its provisions placed the offenders financially unable to satisfy the demands of justice in a class by themselves and at a decided disadvantage. Later inquiry showed that the rate at which a person fined was able to work off such a fine in prison was twenty-five cents per day for the first five weeks, and fifty cents per day thereafter. At the suggestion of the writer, a bill increasing the amount to a dollar per day for the first five weeks, and two dol-



lars thereafter, was introduced, and it was enacted into law after the amounts were changed to fifty cents and one dollar, respectively.

After these facts had been ascertained, two important questions arose: first, what means are provided for the prisoners working off fines to produce commodities valued at the amount necessary for their support, plus the amount necessary to cover the fine; and, second, during confinement, what becomes of the obligations which some of the prisoners have towards their families.

The problem of providing adequate employment we cannot deal with in this article. Sufficient to say that the total earnings of a prisoner working a full day and under strict supervision, were, at the time of the investigation, about thirty-five cents per day. Out of this amount, all the expenditures for food, guards, heating power, etc., had to be met. The Sterling Manufacturing Company, which in some way secured a five-year contract from the state, was paying for the labor of each prisoner at the above stated rate. The care of the families during the confinement of the chief wage-earner was the subject of further investigation which took considerable time and much tact to carry out.

With the permission of the man who was then warden of the prison, all the prisoners in the state prison and county jail were interviewed, individually and privately, with a view to determine the former occupation of the prisoners, their age, place of birth, present work, offense and the number of persons dependent upon them. For the purpose of this paper, we have separated in the records of the prison and county jail those who have been convicted for serious offenses and have been sentenced for more than two years, from minor offenders serving sentences of two years or less.

In all, there were 188 male inmates in the county jail and state prison who were serving minor sentences and were working off their fines and costs. Of this number, only eleven refused to give any information, and in seven cases the information was found unreliable upon further investigation. In three additional cases prisoners were unwilling to give their home addresses, although they stated that they had families dependent upon them. If we exclude the cases in which incomplete or inaccurate information was given, we still have 167 men, 43, or 23.9 per cent, of whom had at least one or more persons dependent upon them.

A further analysis of the records showed that in 36 cases the dependents were wives and children, and in 8 cases, an old and help-

less father or mother was dependent upon the earnings of the prisoner. The total number of persons dependent upon the 43 prisoners were distributed as follows: 36 wives, 8 mothers and fathers, and 65 children under fifteen years of age. The children of fifteen years or over were not counted.

As we secured the addresses of all the families dependent upon prisoners considered in the preparation of the above figures, it was possible to locate these families in their homes, and to look up their records in the charitable agencies in Providence and Pawtucket. These agencies were the charity organization societies of Providence and Pawtucket, and the overseer of the poor of Providence. Whether there were prisoners' families, other than those whose records were examined, who were dependent partially or entirely upon charity, I am not prepared to say. Both Providence and Pawtucket have many benevolent societies which keep no records and do little investigation before giving aid.

The results of our inquiry into the records of charitable agencies were as follows:

Families of prisoners aided by charity organization societies....	9
Families aided by overseer of the poor in Providence.....	11
Families aided by both agencies.....	6
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Total number of families aided.....	26
Total families of prisoners.....	43
Total families not aided.....	17

These figures are extremely significant, not because they represent a degree of destitution among families of prisoners that is far above the normal, but because of the conditions under which the prisoners were made to produce marketable goods in the form of shirts. These were being paid for by private contractors at a rate constituting financial loss to the state and making impossible any compensation to the prisoner beyond his maintenance.

When we consider that the total number of dependents whose cases were investigated and found to be as stated by the prisoners numbered 109 persons, and that the membership of the families aided by charitable agencies aggregated 83 persons, we find ourselves face to face with a problem of family maintenance that even the antiquated and individualistic methods of our petty courts should take cognizance of.



The making of shirts of a very cheap quality, the industry in which most of the prisoners in the Rhode Island State Prison and Providence County Jail are employed, is one of the lowest paid occupations known. Men are seldom, if ever, employed in such an industry, and the product is sold in the open market in competition with a similar product made by free women labor. To compel men to compete with free women labor is of itself an injustice, but to use skilled, or even unskilled, men whom we pretend to reform and prepare for a more useful life after sentence has been served, in an industry in which men cannot find profitable employment, and to deprive them of the opportunity to work at their own trades, when they have them, or to learn a trade while in prison, is wholly inconsistent with justice and defeats the very purpose of the prison. Sixty-five per cent of 167 prisoners working on shirts were skilled mechanics, capable of earning from \$2.50 to \$5.00 per day. When this injustice is further made socially offensive by depriving the families of prisoners of the support of the wage-earners by offering no opportunity for assisting them while in confinement, it is clear that some revolutionary change in the prison system is necessary. A few states have already taken steps to care for the families of prisoners, and others are considering such measures. Whatever is done, however, the fact must be borne in mind that it should be through the prisoner and his legitimate earning alone, and not through the benevolence of private organizations or state charitable funds. The family allegiance of the prisoner is the most important asset upon which he must count at the end of his term, and unless we keep before both the family and the prisoner, throughout the term of imprisonment, their mutual responsibilities, we shall be losing an important and most helpful reformatory force.

In order to establish clearly the extent of the recognition given by law to the right of the family to support on the part of the husband and father, we made a careful analysis of the status of sixteen cases of non-support which had been settled by the district courts by imposing a prison sentence. Upon these men, sixty-two children and sixteen mothers were dependent. None of the men was over forty-one years of age, and they were all serving sentences of from six to nine months. These men were not even given the privilege to work on the shirt contract, but were employed in irregular and unskilled work about the house of correction. There



is no means provided whereby any earnings could be secured for the family during confinement.

The result of this "system" of reforming non-supporting husbands was well expressed in a letter sent by one of the men to his wife, in which he said: "I get three square meals a day and a warm place to sleep. What do you get?" Few of the men serve their full sentences, because the wives withdraw their charges when they find that they are not benefited by the process of law, and nothing beyond an inefficient probationary system is provided to take the place of the jail sentence. Neither of these is effective.

Some slight changes are now taking place in the administration of the Rhode Island prison system, and a "Commission on the Revision of the Criminal Code" has threatened at various legislative sessions to make its report. Nothing, so far, has in any way touched, in a fundamental way, the problem of training the prisoners or the reasonable support of their families. There are other states in the same conditions as Rhode Island, but here and there an awakening has taken place which has injected a social element into the administration of justice, and the prisons are beginning to be recognized as places where reform and not industry should be the slogan, and where a man is to be fitted rather than unfitted for the daily necessity of earning a living.

## PRISON LABOR AND SOCIAL JUSTICE

BY F. EMORY LYON, Ps.D.,

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One must seek far to surpass the appeal to justice. The appeal of love, while powerful, is often superficial and sentimental. But the appeal to justice is fundamental and far-reaching. It is safe to say that no great question of public policy or human welfare was ever finally determined except by the dictates of justice.

History records the perpetuation of many injustices to portions of humankind through custom, through prejudice and self-interest and through limited notions of universal justice. A striking example of this is found in the long continuance of slavery into a civilized and Christian era. We now boast that chattel slavery, at least, has been abolished. But our quickened consciences remind us that certain forms of wage-slavery may contain essential elements of the ancient evil.

Thus far our feeling concerning justice has scarcely extended beyond consideration for those who are meritorious, though weak and helpless save for the magnanimity of the strong. But in the minds of many the growing sense of brotherhood must ultimately encompass the discredited, the derelict and the delinquent members of society. That the state cannot afford to return enmity for enmity has been fairly decided. In this it has been characteristically human by being generous before being just. In principle we proclaim reformation, rather than punishment, as the object of imprisonment. In practice, however, it would seem that much of the old spirit of retaliation, not to mention the spirit of real injustice, still persists. This is particularly apparent in the economic relation of society to its members who are in prison. May it not be gravely questioned whether men can ever be taught not to commit larceny, if in the effort to reclaim them something is taken from them and no equivalent returned? In other words, will it ever appeal to men's sense of fairness to be deprived not only of liberty, but of the entire fruit of their labor? Even though they have violated the law (many times because they have been denied reasonable conditions of birth

and training), shall we double their disadvantage by withholding aught of preparation or perquisite that would convince them that there is reward for honest endeavor? From high ethical authority it has been said: "The state sets the prisoner a thief's example by stealing his wages and confiscating the prisoner's earnings."

It is the purpose of this article, therefore, to discuss, not the relative merits and defects of the various forms of prison labor as practised in the past. It is, rather, to raise the more fundamental question as to whether unpaid penal servitude is justifiable on ethical, civic or industrial grounds. In the progress of prison reform slight attention has been given to the essential justice of the assumption that the prisoner has forfeited his industrial status. Those who have ventured to voice an occasional protest have been branded as theoretical idealists. Yet, strange to say, is not the legal sanction for past practice wholly negative, rather than a positive provision? Men are sentenced to "hard labor" and the law specifies the deprivation of certain civil rights, but does any constitution or statute specifically state that prisoners shall be unpaid chattels of the state? This is a question for the lawyers. But the moral law may well ignore the precedents of practice, if the letter of the law is out of keeping with the issues of justice. If it may be determined that the law and custom are wrong, then so much the worse for the law, and the sooner should we lodge a protest against the custom.

In considering this subject I venture to say we have one of the most complex and complicated problems in the realm of penological science. At the present time there is a great variance of opinion as to whether prisoners should receive anything for their labor. There is still wider divergence in practice throughout all countries. There is apparently little difference of opinion as to the fundamental wrong involved in the suffering of innocent dependents while the offender against the law is being punished or corrected. Notwithstanding this fact, however, the simplest investigation speedily discovers serious legislative, administrative, industrial and social difficulties in the way of correcting the evil.

The payment of prisoners is not a new question. It has been argued pro and con by the criminologists for centuries. The most recent authoritative presentation of the matter was made in 1910 at the Washington meeting of the International Prison Congress. At that time papers were prepared by able men of various countries.



A brief summary of those papers, or rather of the arguments for and against, will put the principles involved squarely before us.

Among the various objections to the principle of remuneration for offenders, the following may be stated:

First, the state may by right exact not only deprivation of liberty, but the deprivation of earning capacity, as punishment for crime.

Second, free labor in good standing would object to being placed on an economic equality with the offender.

Third, in so far as knowledge of others' suffering is a deterrent, provision for prisoners' families would tend to lessen the burden of responsibility, should future depredations be contemplated.

Fourth, even though the principle of paying prisoners be conceded as desirable, still the cost of maintenance and penal administration is too great to permit of an overplus for this purpose.

None of these apparent obstacles, however, it would seem, is sufficient to silence the humanitarian voice of civilization which cries aloud for the solution of every problem of injustice. Prompted by this voice, therefore, we find in that discussion certain affirmative declarations of faith:

First, the innocent should not be allowed to suffer for the defection of the guilty. The burden of their need should, if possible, be borne by the offender. Otherwise society as the protector of its weaker members is given the responsibility, either through taxation or by voluntary benevolence.

Second, the family is the primary unit of society. Its integrity must be maintained at all costs. Any treatment of the prisoner which tends to disintegrate the family contributes toward social suicide. Every effort should be made by the state to hold intact all ties of domestic accord and social sympathy that have been strained by the offender's unworthy conduct.

Third, the safety of the state and social honor are at stake in the solution of this question. The indigence and pauperism created by the misdirection of labor from its legitimate purpose are a menace to government and it is discreditable for highly organized states to be indifferent to the welfare of any subject, a few of which have fallen beneath the machinery necessary to a survival of the whole.

Fourth, as a matter of abstract justice, it is not sufficient that modern legislation has absolved the kindred of the convict. In tak-

ing away and appropriating the means of support, it has, in effect, committed an overt act of retaliation against the innocent.

Still more recently the effort to solve this vexed problem has gone far beyond the stage of discussion. That there is a growing feeling that unrequited toil, even for prisoners, is without justification, is shown by the adoption of many positive statutes on the subject. Previously, in nearly all states of all countries, some small dole was given to many prisoners as a special reward. In many cases, considerable payments have been made by private employers of prisoners for overwork. In none of these instances, however, was the economic relation of the offender to the state recognized as a principle. It remained for America, and at its capital, to inaugurate a series of laws destined to accomplish much for the rehabilitation of the offender and his family.

Washington, D. C., provides for a payment of fifty cents per day for the families of certain men in its workhouse, and the earnings of men on probation are distributed through the court to the dependents of probationers. Detroit, Mich., at its state house of correction, has legislation providing for a graduated scale of payments for its inmates, according to their industry. These earnings are used both for dependents and for rehabilitation of the released prisoner. The State of Minnesota has a most comprehensive provision for the payment of prisoners with families, and these funds are carefully administered by the prison authorities. I believe the principle is not applied to single men, though the more adequate discharge fee of twenty-five dollars is given for a new start, at the time of release. Kentucky, also, has a law declaring that its prisoners shall have a certain percentage of the net earnings of the institution. The amount is, therefore, subject to fluctuation, but under this new law over \$30,000 has been distributed to prisoners of the state for their families, and for rehabilitation after release.

Other states have doubtless made beginnings in the same direction and many are seriously considering effective legislation. It is difficult to see how, in this industrial age, we can avoid moving rapidly in that direction. The time is ripe for a forward movement and a new awakening as regards the relation of the state to the offender. Reformation by discipline has marked the first great step in the transformation of the modern prison system. Education and economic efficiency are destined to characterize the great advancement



of the future. Already the industrial ideal prevails over the military. More and more it has been seen that reformation itself could not come by moral suasion merely, or even by control and discipline alone.

It is realized that in teaching the lesson of life, those who are delinquent must be taught to do things that are necessary in a normal society. Hence most reformatories and some prisons in America have undertaken the teaching of trades. They have introduced such manual and mechanical training as will tend to prepare the individual for an industrial society. The chief purpose of such training has been to teach the lesson of thrift and the unselfish maintenance of others. One of the chief motives of toil, however, has been lacking in the prison systems of the past, because of the relation of virtual vassalage which prisoners have borne to the state. Hence, the serious question as to whether all states should, as a wise and practical measure, compensate the inmates of their penal institutions for their labor.

As to the scope and possibilities of this movement, we are only beginning to realize them. While we have no accurate or adequate statistics of the criminal population, a recent estimate states that 150,000 offenders go in and out of our penal institutions each year. From the same source we are told that the current number of prisoners is 86,600. Of this number, 2,744 are reported as ill, and 10,000 are stated to be idle. The former presumably includes only those who are in prison hospitals, the majority beyond recovery. Among the latter would doubtless be found a considerable percentage of those who by reason of age or physical and mental disability are disqualified as economic factors. In addition 21,000 is given as the number of inmates engaged in cleaning and caring for the institutions. These subtractions leave but 49,826 able-bodied, active wage earners, potentially. Nevertheless this army of men, under private management, at the fair average of two dollars per day and three hundred working days, would earn \$9,965,500. This sum is about one-half the total cost for the support, supervision and care of the whole 86,600 prisoners in the United States. This is contrary to the popular impression that the total earnings of prisoners would more than cover the cost of administration. On the contrary, only a few prisons have in recent years returned from their industries any profit to the state. And the self-supporting ones have usually shown the least desirable results from the standpoint of reformation. Where the purpose of



the state has been more than penal and custodial, and included the treatment and training of the inmates, an additional appropriation has invariably been necessary.

Doubtless these large expenditures are greatly reduced when penal institutions are entirely separated from political considerations. Even when the state employs prisoners in its own industries, able management and business methods are sure to show dividends, not only in dollars, but in reconstructed citizenship. Aside from the cost of administration, however, the possible earnings of nearly \$10,000,000 should not only cover the fair cost of maintenance, but contribute substantially to the support of over 200,000 women and children involved. If these earnings were actually used to prevent the families of prisoners from becoming public dependents there can be little doubt of the benefit to follow. Considerations of economy as well as of justice would dictate such an enlightened policy.

The economic argument has been emphasized, because at that point most strenuous objection is made. The legislator and the taxpayer tell us that if the families of prisoners are provided for, they will next be called upon to meet the needs of all wards of the state and their kindred. But they should see that while the insane patient, for instance, is receiving treatment, and contributing nothing in return, the prisoner is costing little for actual maintenance and giving much in toil to the state. No reliable facts are available to show the number of prisoners' dependents thrown upon public or private charity. The United Charities of Chicago reports 224 families of this kind assisted in a single year, at a cost of \$5,000, while the Central Howard Association, in the same city, extended proportionate relief in that direction. A conservative estimate would indicate that twenty-five per cent of all prisoners were caring for dependents before incarceration, and fifty per cent were probably under moral obligation to do so. When we remember that not only are all state prisoners thus contributing nothing to society's material welfare, but that thousands upon thousands of men in county jails are kept in idleness, then we realize the enormous loss sustained. We know that there is wicked waste, instead of the conservation of a mighty human resource.

Beyond and above that loss, however, there comes back to us again the question of justice and the baneful influence of injustice upon the victim of a bad system. The latest and loftiest argument

against the passing methods of prison labor is that it is psychic in its influence. The prisoner cannot escape the feeling that he is being exploited by a private owner of his energies. The same reason may well be given for eliminating a system of wageless work for the state itself. It will, doubtless, be given as the future reveals the quickening and beneficent effect of granting just compensation to the convicted man.

## PRISON LABOR REFORM IN NEW JERSEY

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New Jersey has by legislation abolished contract labor. In order to meet the condition thus changed by legislative enactment, two commissions were appointed, a Prison Labor Commission and a Convict Labor Commission. The latter commission has for its province the duty of formulating "a comprehensive plan for the initiation and use of the labor of all convicts on public roads, in public parks, in forestry and in such other ways to the public benefit, not in competition with free labor." The Prison Labor Commission has been given authority to take over the labor of convicts upon the expiration of the present existing contracts. This commission is to be a permanent one, and is designed to have executive authority and control of the prisoners in their working hours. Its members have traveled about the country and they have worked out a plan of action which was recently submitted in its first report to the governor. In its study of the local conditions there have been found loopholes and weaknesses in the law under which the commission operates, so that before actual operations can be undertaken there must occur certain changes in the law and an adjustment of authority and responsibility. The duties of the Prison Labor Commission, of the boards of directors of penal institutions and of keepers and wardens must be sharply defined in order to avoid conflict and friction when operations under the new system are inaugurated.

As each state has its own peculiar conditions, New Jersey must work out its own plan. The state has one central prison at Trenton which has developed from early times of the state's history. A five-acre tract of land on the outskirts of a small city may have been reasonably satisfactory a century ago, but the City of Trenton has grown and now surrounds the prison property. The prison has grown also, and now consists of numerous cell houses, workshops and other buildings which leave but little vacant space. It



is practically impossible to provide a suitable exercise court for the prisoners during the very short daily intervals when they may have a glimpse of the open sky and an opportunity to fill their lungs with fresh air, or at least such fresh air as may be had within such congested quarters.

The prison system of New Jersey includes also a reformatory of limited acreage at Rahway for men, a reformatory site for women on a large farm near Clinton, for which permanent buildings must be provided, a county jail in each of the twenty-one counties and three county penitentiaries or workhouses for the larger communities, of which Trenton, Newark and Jersey City are the county seats. No contract labor has existed in these three workhouses and, obviously, no form of labor has been devised for the county jails, other than the conventional stone piles, the product of which is used on the county roads.

The Prison Labor Commission, under its present powers, will have control of the labor of the prisoners in jails, workhouses, reformatories and prisons. It is for this commission to work out a comprehensive plan that will include the labor of all. It is presumed that the Convict Labor Commission will not be particularly active and that, after it makes a report, its mission will be ended.

As an experimental test and as an object lesson, the Prison Labor Commission, by an agreement with the prison managers and the State Commissioner of Public Roads, took a company of twenty men from the prison daily to a badly worn state road running south from Trenton, and during the months of December and January demonstrated the practicability of employing convicts upon public roads. An interurban trolley passes alongside this highway, and road traffic is quite heavy. In their gray uniforms the casual passerby would hardly know that this was not a gang of free laborers working on the roads. The prisoners went about the task with considerable enthusiasm and zeal, knowing full well how much depended upon this experiment. It meant much for the prisoners within the narrow confines of the state prison, but directly it meant more for them because they had nearly completed their respective terms of sentence and this opportunity put them in physical fitness better to adjust themselves to free life upon final discharge. Particularly was the work agreeable to them because it meant better food and great liberty from restraint and the dreary routine of cell and shop

life within walls. It was a demonstration in most favorable environment of both the utility and the practicability of a road-working plan.

Recognizing the crowded conditions in the prison and the limited space available, the Prison Labor Commission readily came to the conclusion that the first step to be taken must be the purchase of a large tract of land. An option was secured on a tract of pine barrens in South Jersey and it is hoped that an appropriation for the purchase of this land will be immediately secured. The commission believes that at a moderate cost the prisoners can clear the land and bring it under profitable cultivation. Eventually it will mean the housing of a considerable proportion of the state convicts upon this farm tract, thereby materially reducing the population within the prison walls at Trenton.

The commission recognizes that there will be a proportion of the convicts who must be retained within the walls of the state prison at Trenton. The employment of their labor must be on state account or for state use. The form which this labor will take within prison walls has yet to be developed. It suggests that the prisoners who must be held within prison walls may be profitably employed in the manufacture of goods required by the prison and other state institutions, such as shoes, clothing, underclothing, socks, stockings, blankets, brooms, brushes, mats, rugs, mattresses and beds. It has even suggested the making of school furniture for the public schools of the state.

Besides this economic tendency in prison factory work for state use, there is a latent thought of diversified industry having an educational and trades instruction tendency. The reformatory at Rahway has already developed school and trade instruction to a considerable extent. Officers and guards are selected under civil service rules to this end. The minor officers and employees of the reformatory now include a number of college men.

Road building and the maintenance and repair of state highways, including a stone quarry and a crushing plant, park development and forestry all are yet to be worked out. How this may be done in the various sections of the state and how the use of county jail and workhouse prisoners may be employed remains for future consideration and development.

It will be seen from a survey of present conditions in New



Jersey and the immediate programme as outlined by the Prison Labor Commission that the present thought is directed solely upon the economic side. The prison in the past has been conducted on the theory that the earnings to the state under the contract labor system have to some extent reduced the cost of maintenance. No particular study or thought was directed towards the development of a knowledge whether the contract system with its attendant evils and abuses had anything to do with the increase of crime, the reformation or rehabilitation of the convicts or the cost to society at large of discharged convicts returning to prey upon the public. Whether prisons should be managed for the benefit of the prisoner or for the benefit of a system were latent thoughts. The economic side alone was considered. How to reduce the cost of keeping prisoners rather than how to reduce the cost to society of criminals has been the paramount thought. To those who have given more or less careful study to the subject of crime and criminals, it need not be suggested that the present movement in New Jersey is the beginning of the development of an entirely new point of view. The convict and not the system is now to be studied.

A study of the convict rather than a consideration of his labor and the profits to be obtained from his labor means much for the future, not alone for a better prison management, but for the welfare of society at large. A recent writer has said: "The increase of knowledge must inevitably do away with our barbaric penal codes, with cellular confinement and electrocution. An enlightened community will realize that the whole mediæval idea of punishing each other is not only a sin but a blunder, a rank economic extravagance, as useless as it is costly. We will learn to protect ourselves from the losses and moral contagions of crime as we do from infectious diseases. Our prisons we will discard for hospitals, our judges will become physicians, our keepers we will turn into trained nurses."

This is looking forward a long way into the future, but it is a hopeful outlook and by no means visionary. Public opinion is rapidly crystalizing. Our lawyers, our judges, our hard-headed business men, our theorists, our propagandists, are all coming to a general agreement that the old ways have outlived whatever little usefulness they may have had, and we are all agreed that something radically different must be undertaken. Criminal law reform has



many advocates; antiquated forms and procedures in our courts will be abandoned. It is easy now to secure an acceptance of the indeterminate sentence idea as against the fixed term idea as prescribed by a rigid statute.

Parole and paroles supervision are widening in scope and their effectiveness improves under experience. Suspension of sentence under probation surveillance naturally follows. Wherever it has been attempted, its results in the main have been found salutary. Faulty it may be, but the fault does not lie in the principle but in the application. It means a change of view-point on the part of the committing court and a change of view-point on the part of the power which appoints the judge to the end that the right sort of men are made our judges. As the juvenile courts have developed juvenile court judges, probation and the suspended sentence develop the right kind of judiciary wisely to apply the suspended sentence. It may be said for New Jersey that in every county in the state the local and minor courts do not hesitate to suspend sentence and fix the terms under which sentence may remain suspended. This often takes the form of weekly sums of reimbursement for monetary losses, as in petty thefts and petty embezzlements or misappropriation of funds. In non-support cases, it means weekly payments through the court's officer.

This probation idea, this suspended sentence plan, means the development of a friendly adviser to the court, a sort of social service akin to the comparatively new development of the hospital social service.

There is developing in New Jersey the full idea of the importance of the individual study of the individual convict. It has come about through the operations of the research work now so earnestly carried on in connection with the institutions for the feeble-minded, the epileptic and the insane. The sending of field workers out from these several institutions seeking data regarding family environment and hereditary traits of relatives and the antecedents of the inmates under study has already resulted in the discovery that the trails often lead into the local prisons and those of other states. In the study of a given family through several generations, it is found that members of either branch have at some time and somewhere been lodged in jails, in almshouses, in prisons, in insane hospitals and in the various custodial institutions for unsocial classes. Surely this

will result in a study of the individual convicts in prison. Defects in physical development may be found, which upon being corrected may result in the restoration of that individual to a normal life. Defects in intellectual development will likewise be studied and given proper treatment. The Prison Labor Commission in New Jersey has already taken thought upon this subject and it recommends the development of the prison school in connection with the proposed farm colony.

It is interesting to note this development of the central thought of working for the prisoner instead of working the prisoner. Dr. Frank Moore, in his annual report for the New Jersey State Reformatory says: "It is very much to the credit of the courts and the efficiency of the probation system that so much corrective work has been done without having to incarcerate the offenders. The work of the reformatory, however, is rendered each year increasingly difficult because now those who have failed as probationers or who have been previously confined in other institutions are almost the only ones that are sentenced to it. These failures of the probation system and juvenile institutions do not reflect discredit upon either of these influences that have sought to correct them. A larger percentage of these offenders are feeble-minded. Others have serious physical defects rendering them unfit for life's struggle. Defective eyesight, flat-foot, nasal obstruction, incipient tuberculosis and neurotic conditions seriously handicap them. Altogether they are a weak class who succeed so long as they are supported by someone else, but who easily sink through weight of their own weakness when left alone. The remedy of constitutional defects is now very wisely being recognized as all essential. At least fifty per cent of our delinquents have some physical or mental weakness. The work of curing the sick is only a part of the service the physician must render."

Dr. Moore ventures the assertion that twenty-five per cent of the young men now paroled make a greater average of success than is made by the people in the class from which they come. This he attributes to the training and preparation they get at the institution.

New Jersey has a great opportunity and it is fortunate in having a large number of thoughtful men directly interested in the subject of a modern comprehensive system for the treatment of the

criminal class. It is working for a revision of the criminal law and the procedures of its criminal courts. It is developing its juvenile courts and extending the probation features. Suspended sentences are freely used. A social worker or friendly adviser to every court is possible and the adoption of this plan is highly probable. Making the county jails serve solely as prisons for detention and providing workhouses for all convicts needing custodial restraint must follow. Farms and workshops for training the convict as well as for earnings to the state, a wage scale for prisoners that their families may benefit thereby, schools for mental culture and physical development under the direction of medical officers, will be included in the programme. Finally there must come a rational permanent custodial care and a rational scheme of productive occupation for the residuum of the unsocial class.



## PRISON LABOR IN THE DISTRICT OF COLUMBIA

BY WILLIAM H. BALDWIN,  
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Though the District of Columbia, like Bethlehem, is little among the states in point of size, it is not the least among the princes of the nation so far as its position in regard to prison labor is concerned; for by its experience it has established and confirmed a principle important not only for the salvation of families neglected by the husband and father, but also, if properly extended, of those deprived of the support to which they are entitled by the imprisonment of the father or bread-winner for any cause.

The provision resembling this in its results which had worked well for several years, in spite of some hindrances, in Toledo, Ohio, had been annulled because of unconstitutionality as special legislation some time before. It was proposed, in introducing the non-support law in the District in 1905, to have the act include a provision by which the family should receive fifty cents per day for each day's hard labor performed by men committed for non-support, hard labor being an invariable accompaniment of all sentences. Various difficulties in the way of securing and carrying out this provision were brought forward, but these all disappeared as the effort for the law progressed, and it was finally enacted on March 23, 1906.

The per diem payment had been arrived at from the fact that labor such as was actually being done by such prisoners in taking care of our beautiful Rock Creek Park was worth \$1.50 per day, out of which approximately \$1.00 should be retained to pay for the cost of keeping and guarding them, and for time lost in their being taken to and from work. The experimental appropriation of \$200 for such compensation for each of the first two years, while amounting to little in itself, established the principle, and it was very gratifying to have the women appear on Monday, their "pay day," to receive the \$3.00 earned by their husbands the previous week. This payment reconciled them to having the husband punished as he deserved and kept them from begging for his release because they were absolutely deprived of the money which he might pos-

sibly, but almost certainly would not, earn if released without the salutary effect of the imprisonment. The principle having been established, the appropriation for the fiscal year 1909 was raised to \$2,400 to provide adequately for such compensation to needy families.

Here an instance occurred which illustrates the confusion of thought and lack of knowledge in such matters. A member of the sub-committee on appropriations for the District, who came from a district in the far South in which the fifteen counties all told did not contain half the population of Washington, passed the prisoners one day in Rock Creek Park. The energy of their movements was apparently not up to his standard, and he sought to show his zeal for the protection of the interests of this great nation not only by insisting that the appropriation of \$2,000 asked for the succeeding year should be refused, but by inserting instead in the appropriation bill a clause repealing the provision in the law calling for such payments. This action at once revealed the importance of the provision, which had originally been inserted rather because of its theoretical appropriateness than because it was supposed to have so much practical value. Judge DeLacy of the juvenile court declared that the loss of the provision would be disastrous to his work, and although the congressman was shocked at the thought of providing the prisoners with board, lodging, lights and "even baths," at public expense, and allowing this compensation to the family in addition, it was explained to him that he was not called upon by the citizens of the District, who pay half the taxes, to endeavor to take the bread from the mouths of destitute women and children in order to save money for the public, and the necessary appropriation was granted. This incident cleared the air and there has been no trouble about it since.

The record of results for the six years is as follows:

Fiscal Year ended June 30th.	Appropriation made for payment of earnings	Paid for earnings of men under sentence	Collected from men under sentence	Totals
1907.....	\$200.00	\$200.00	\$6,050.59	\$6,250.59
1908.....	200.00	190.50	21,888.56	22,079.06
1909.....	2,400.00	2,340.00	38,319.65	40,659.65
1910.....	2,000.00	1,692.50	30,808.28	32,500.78
1911.....	3,500.00	3,447.50	38,684.97	42,132.47
1912.....	3,000.00	3,000.00	39,205.11	42,205.11
Totals.....	\$11,300.00	\$10,870.50	\$174,957.16	\$185,827.66



It will be noticed that the amount paid out for earnings in the workhouse is less than seven per cent of the amount collected from men under suspended sentence, but it has been perhaps the greatest factor in securing the regular payment of these sums. This payment for earnings is not a loss to the public. It is like the water used in priming a pump, which starts a steady stream that may be made to flow indefinitely.

One reason for making the men work in Rock Creek Park was that the old workhouse was overcrowded. In 1910 the government purchased 1,154 acres of land at Occoquan, about twenty miles from the city, and in June prisoners were sent down to begin the construction of buildings in the proper development of the property. By July 1, 1911, accommodations for men, and women, too, had been provided, roads had been constructed and a filtration plant, an ice plant and a sewage system established, all at a relatively small outlay, because the labor was almost all performed by prisoners. A brick-making plant with a capacity of 40,000 bricks per day had been constructed, and a stone quarry with a capacity of several hundred cubic yards of stone per day opened up; and after the completion of the buildings, prisoners were put to work in these to furnish the brick and stone needed by the District in the construction of sewers and for its other work. These buildings are kept in clean and wholesome condition and as white as whitewash can make them. A large part of the sides are glass, which can be thrown open during the warmer weather, so that during most of the year the prisoners, in effect, sleep out of doors, as they would do in a sanitarium for tuberculosis. As Commissioner Judson stated in his report: "From records kept it is apparent that those who pass through this institution come out in very much improved physical condition and hardened to work. The luxuries provided for the prisoners are inexpensive, consisting of plenty of sunshine, fresh air, work and cleanliness. These luxuries do not tempt men to break into jail, are not costly to the community, but are reforming and improving influences."

Could anything better demonstrate the healthy influence of honest work in all our prison system? It is evident that the work, while not competitive, meets a legitimate demand, and, without being specially difficult of direction, has a decided value. From a commercial standpoint the payment of \$3.00 per week to the families



of men committed for non-support is not charity, but only a proper direction of the man's potential earning power, particularly since they now work all day long without losing the time formerly consumed in taking them from the workhouse to Rock Creek Park and back. The system ought to be extended so that the same payment will be made to those dependent upon any man committed for any other offense; and still further so that any man whose earnings are not required by persons dependent upon him may accumulate the like sum of \$3.00 per week as a fund for his support after being released, which will keep him out of temptation and carry him along until he can obtain suitable work, for which his experience in the healthy, open-air work at Occoquan has prepared him.

Provision for indeterminate instead of the present short-term definite sentences would add much to the usefulness of the workhouse, and by keeping such men longer under these favorable influences would start again towards port some of those who are already considered, or are fast becoming, the derelicts of society.

The wretched conditions in the jail, due largely to overcrowding and idleness, by which the government had long been disgraced, and of which Justice Wendell P. Stafford spoke most earnestly at the annual banquet of the University Club here six years ago, no longer exist, thanks to the attention of which that was the beginning. The jail was turned over to the District authorities on July 1, 1911, after the workhouse was established, and provision made by law for the transfer of those committed to it to the workhouse, where they are employed at useful labor as described, instead of being kept in idleness as before. The jail is used as a place for this transfer, or for the detention of those awaiting trial, and the population has been reduced from an average of more than five hundred to about two hundred, which will be further diminished by an effort on the part of the courts to provide for speedier trials.

These improvements are part of the penal plan adopted by Congress on recommendation of the jail commission, of which Justice Stafford was chairman, which also includes a reformatory, with useful labor, much on the plan of the workhouse, but intended for young men, first offenders and the more hopeful cases, who ought not to associate with those in the workhouse. A fine tract of 1,500 acres of land, bought for the purpose in 1910, had to be given up because of the opposition of those interested in Mount Vernon,

although it was nearly five miles distant, and no other site has yet been provided; but the legislation necessary to procure one has been recommended, and it is to be hoped that this part of the plan will be carried out ere long.

The most desperate criminals from the District are sent to the United States penitentiaries at Leavenworth and Atlanta, so that a prison of that grade here is not an absolute necessity. The probation system is working well, and with provision for the indeterminate sentence, with sufficient parole officers, and the reformatory, the penal plan of the District would be on a very satisfactory basis, with the useful labor required of all prisoners in the reformatory and workhouse as a very important feature.





## COMMUNICATIONS

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### SCIENTIFIC FARMING AND SCIENTIFIC FINANCING

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BY LEONARD G. ROBINSON,  
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The complaint is general that American agriculture has not kept pace with the growth of population, that its progress has not been commensurate with industrial progress, and that the phenomenal growth of the city has frequently been achieved at the expense of the country. The fact is, enthusiastic back-to-the-soilers notwithstanding, that farming has its drawbacks. This is not peculiar to the United States. In 1897, according to Mulhall, forty per cent of the world's population was engaged in agriculture and thirty-one per cent of the world's capital was employed in it but its share of the world's profits was only twenty per cent. To-day with the large increase in land values and farm equipment, the disparity should be greater if anything. The question why farming is not as profitable, nor as attractive in other respects, as it should be, is variously answered, depending upon the point of view. The railroad, the middleman, society, the government, the farmer, each receives a share of the blame; the farmer a little more than his share.

Doubtless our rural transportation facilities are far from the best. The wide divergence in the price of farm products between producer and consumer is also indisputable. It must further be admitted that the farmer himself has displayed a woeful want of progressiveness and has not readily responded to the best thought dealing with life on the farm. But all this is not enough to account for the bankruptcy of country life. The cause is more insidious and more deep seated.

But for the fact that it is frequently disregarded or treated as of secondary importance, it would seem superfluous to say that capital is needed in farming as it is in any industrial enterprise. To farm properly and profitably—scientifically, if you will—the land must be improved and brought to a high state of productive-

ness; buildings should be ample and in good repair; and equipment modern and adequate. All this apart from the initial investment in the farm. In addition the farmer must have money to put in his crop; to live till the crop matures; to harvest it; to market it. Granting that his crop is good, in what position is he to market it advantageously if he is obligated to sell to his creditors, as the case very often is, or compelled to sacrifice it in order to meet his urgent debts? Again, even with fair prices, how is the farmer to make a profit on his operations if he pays all kinds of prices for his capital? Does it not seem a little unreasonable to presume that agriculture can thrive under conditions that would wipe our railroads off the map, shut the doors of our factories, and paralyze all legitimate commercial activity? What farming really needs is not so much scientific farming as scientific financing.

The lack of an adequate system of agricultural credit is set down by President Roosevelt's Country Life Commission, as one of the most prominent deficiencies of country life. "The present banking system," says the Commission's report, "tends to take the money out of the open country and to loan it in town or to town-centered interests." Once a year, it is true, Wall Street is thrown into a financial fever over the shipment of money to the interior for "crop moving," but this seasonal inflow of funds has little, if any, effect on the rural credit situation. To begin with, the money comes the wrong time of the year. Instead of being available in the spring when the farmer could put it to profitable use, he gets the money in the fall, just in time to pay the debts he contracted at the beginning of the season at ruinous rates. In any event, the money remains in the interior but a month or two and soon finds its way back into the vaults of the city banks.

How the migratory tendency of money toward the city is abetted by our national banking system was demonstrated at a recent hearing before the Congressional Committee on Banking and Currency. It was shown that out of \$10,662,564.78 on deposit in forty national banks, in one congressional district in Minnesota, \$6,446,715.01 was in time deposits not subject to check. As these banks are not permitted to make mortgage loans, a good part of this money, if not idle, has in all probability gone to the reserve cities to be loaned out on call at two per cent or thereabouts, while the farmers in that district must do as best they can without their

much-needed funds. The same is no doubt true of most every part of the country.

Because of the further tendency for capital to seek investment in industrial and commercial enterprises rather than on the farm, the farmer is by no means sure to get his fair share even of the loanable funds locally available. The reason is not far to seek. The farmer is not an easy customer to deal with. His methods of doing business are a little primitive, and the distance from town makes proper attention to farm loans inconvenient if not exceedingly difficult. Moreover, the farmer and the banker have little opportunity to get together. They do not belong to the same church, lodge, club, or social set. Perhaps the farmer is not even a depositor. He is not influential enough to command credit and, outside of the righteousness of his cause and the intrinsic merit of the security, has little else to offer for it. It is easy to see, therefore, that as a competitor for credit, the farmer is not an unqualified success.

At bankers' conventions it has been customary to discuss the relations of the banker and the farmer. These discussions generally end in talk. Sometimes not even in that. A fair sample of the interest of the average banker in the farmer was shown at the Farmers' Week at Ithaca last winter held under the auspices of the New York State Agricultural College. The program called for a conference of country bankers, with the usual discussion as to how the country banker can help the farmer. The only bankers present were a professor at the college, an editor of an agricultural paper, and the writer.

The inherent difficulty lies in the misconception of the functions of banking. Banking and credit are not synonymous. While banks do a credit business, the ordinary bank cannot adequately or efficiently fulfil the functions of a credit institution. Viewed in the light of a purely private enterprise, the interests of the banker and of the farmer are not always identical. The first duty of a bank is to protect its creditors, the depositors. It must see that its investments are safe and secure. That done, its business is to make as much profit as possible for its owners or stockholders. The use to which its money will be put by the borrower is of minor importance, and frequently of no importance at all. The banker's chief lookout is that his money is not idle and that it is well secured, and his policy



is shaped, as a rule, by other considerations than the legitimate needs of the borrower or the interests of the community.

That our banking institutions do not satisfy the legitimate needs of the farmer is generally admitted, though seldom sufficiently emphasized. The effect of our peculiar banking and currency system on the farmer is tersely summed up by Professor E. W. Kemmerer in the *American Economic Review* of December, 1912. "Farming business," he says, "is pre-eminently seasonal in character; the farmers over the greater part of the country need funds most at about the same times of the year, i. e., the fall and spring. A great increase in the demand for currency and capital, say in the fall, under an inelastic currency and credit system like our own, means to the farmer, highest interest rates at just the time when he needs most to borrow, greatest scarcity of cash at just the time when his need for cash is the most urgent, and prices depressed by a tight money market at the time of the year when he has most to sell."

In many of our western states the legal and prevailing rate of interest is twelve per cent, not reckoning the bonus, commission, expenses, and other subterfuges invented by the ingenious money lender, and designed to circumvent the usury laws or to mollify the public conscience. Conditions in the East are no better. Many instances have been brought to my attention in New York, New Jersey, Connecticut, and Massachusetts, where farmers have been paying twenty-five per cent and more for accommodations. There are localities not many miles from New York where the farmer cannot obtain a loan on a gilt-edged mortgage because the local savings banks, "the banks of the people," find it more convenient to invest in the bonds of the Singapore gas works or to do business with the local real estate operators.

Continental Europe has found the solution of this problem, as have other countries outside of Europe, in the creation of banking systems specially designed to answer their agricultural requirements. The one underlying principle of all these systems is the paramountcy of the borrower's interests consistent with sound business policy. Another noteworthy feature is the complete or partial separation of land credit and agricultural credit, so-called. The first is long-time credit secured by mortgage. The second is short-time credit, and the promissory note is ordinarily the sole form of security. The distinction is important as bearing upon the development of

credit institutions. Land credit, being more or less impersonal, permits of the non-cooperative system and seems to find it preeminently favorable for its best development. Short-time credit, on the other hand, is in its nature personal and the relationship between debtor and creditor more intimate. The cooperative system has therefore been found more suitable for this form of credit and has been almost universally adopted, with such modifications, however, as the traditions, the temperament, and the needs of the individual country demanded.

The oldest land credit institutions extant are the German *Landschaften*. They are the creation of Frederick the Great, who decreed the compulsory association of the noble land owners for cooperative credit. The first *Landschaft* was organized in 1769. A distinctive feature of these associations is that they loan not money, but credit. They issue bonds to the borrowing member for the amount of his loan, which may be as much as two-thirds of the value of his land, and he sells these bonds either in the open market or to banks specially organized for the purpose. [No loan can be refused to a member, and its repayment depends entirely upon the pleasure of the borrower. The interest rate on these bonds rarely exceeds four per cent. The only charge to the borrower is a premium of one-half to one per cent to defray administrative expenses.

The *Landschaften* now number eighteen. A fair idea of the magnitude of their operations can be gained from the fact that in 1906 their outstanding bonds amounted to over nine hundred million dollars. These bonds sell on the basis of three and a half per cent and lower, which is proof of their popularity with the investing public. Strangely enough, this system of land credit does not appear to have met with favor outside of Germany and has remained exclusively a German institution. It seems possible that its aristocratic lineage and the traces it bears of German feudalism have militated against a more general adoption of the *Landschaft* system.

Probably the best type of non-cooperative land credit institution is the *Crédit Foncier*. This bank, which has virtually a government monopoly of land credit in France, was organized in 1852. It is a limited liability company with a capital of two hundred million francs and with the right to issue bonds to the extent of its loans. It loans on mortgage up to fifty per cent of the land value. The



interest rate is fixed at four per cent a year and, by means of an ingenious amortization plan, the payment of a small additional percentage extinguishes the entire indebtedness after a period of years. Outside of the loans to communes and municipalities, the *Crédit Foncier* in 1910 granted 6,595 mortgage loans aggregating 142,911,556.79 francs, and its bonds in circulation at the close of the year aggregated a total of 2,279,530,950 francs. Notwithstanding the extremely low interest rate, the *Crédit Foncier* is a paying institution. In the year above mentioned it declared a dividend of 6.4 per cent on its large capitalization besides putting five per cent of the net profits into the reserve fund. It is inconceivable that American financiers should have overlooked so fruitful a field for investment and so excellent an opportunity for signal public service.

However, it is cooperative agricultural credit as typified by the *Raiffeisen* system, and in a lesser degree by the *Schulze-Delitzsch* system, that has exercised the most potent influence in the regeneration of agriculture the world over.

In 1849 Frederick William Raiffeisen conceived the very unorthodox idea that the real capitalists were the masses and that the bankers and big financiers were only capitalists by sufferance. He concluded that the masses could supply their own credit requirements, provided a workable plan could be devised to bring the lender and the borrower together. Inspired, no doubt, by the wonderful success of the *Landschaften*, he resolved to adapt the principles of cooperative credit to the needs of the poorer class of farmers.

But the peasants had not the wealth of the large land owners. Here is where Raiffeisen was guilty of another heresy. Credit, to him, signified faith. He believed that the average man was honest and that communities were dependably so. He, therefore, felt that he could command the required capital by "capitalizing the people's honesty." Accordingly, with little money but with unlimited faith, the first *Raiffeisen* bank was organized.

The principle upon which cooperative credit rests is mutual responsibility. But where the merit of the borrower rather than the security is the primary consideration, qualified responsibility is not sufficient to inspire public confidence. Absolute and unlimited liability of the members has therefore been adopted as one of the fundamentals of the *Raiffeisen* system. Such responsibility is



feasible only where the relationship between the members is close and intimate, their knowledge of one another's character and needs adequate and complete, and they are in a position to see that the borrower makes proper use of the loan and to discover any disposition on his part to treat his obligations lightly. These conditions are to be found only in associations whose membership is small and whose operations are restricted to a limited area. The *Raiffeisen* system therefore is the system *par excellence* of the small local bank.

The growth of these banks has been stupendous. In 1908 Germany alone had 16,092 cooperative credit banks of various kinds with a total membership of 2,202,950. It should not be assumed, however, that they had easy sailing. Not the least of the numerous obstacles they had to overcome was an inimical and harassing government bureaucracy. Gradually obstacles were surmounted and obstructions removed. The idea of cooperative credit gained headway and the number of banks increased with great rapidity. Even the government saw its error and in 1895 established a bank for the special purpose of loaning them money. The need of central organizations soon became felt and resulted in the organization of central banks to act as financial clearing houses and of federations to act as moral and educational clearing houses. In 1909 the National Federation had 12,614 constituent banks with a membership of 1,163,186. These banks loaned out during that year a total of \$214,694,794. Their working capital was \$461,089,632 of which but eleven per cent was from outside sources, the balance having been supplied by their members, chiefly in the form of deposits which amounted to eighty-five per cent of the working capital.

Cooperative credit as an institution did not long remain exclusively German. It became a world movement. Italy followed in 1883. Austria fell into line in 1886, Ireland in 1895, and France in 1899. Russia has its cooperative credit banks; so has India. In 1909 Japan, "the Yankee of the East," had 1,886 cooperative credit associations with a membership of 167,760. The dominant influence of cooperative credit in the world of finance is evidenced by the vastness of its business operations. It was estimated that the outstanding loans of a more or less cooperative character in continental Europe in 1897 aggregated a total of \$4,600,000,000.

Singularly, in a movement of such world-wide import, the United States has been content to remain a passive spectator. While

it is true that private investors and our existing banking institutions do in a crude way supply the need of long-time or mortgage credit, short-time credit is virtually non-existent, and the average American farmer must still depend for his annual working capital upon the generosity of his neighbors, the forbearance of the local storekeeper, or the cupidity of the usurer.

However, both land credit of the *Crédit Foncier* type and co-operative agricultural credit of the *Raiffeisen* type have found a foothold in this country, although in a very limited field. The honor of introducing these two systems of credit into the United States belongs to a philanthropic organization, The Jewish Agricultural and Industrial Aid Society. The society was organized in 1900 with the object of assisting Jewish immigrants in the large cities to go into farming. Its funds are derived from the large fortune bequeathed to charity by the well-known French philanthropist, the late Baron de Hirsch. It is a New York corporation with headquarters in New York City, although its operations extend to nearly every state in the Union. The society has as its trustees some of the leading American Jews, Mr. Jacob H. Schiff being one of its incorporators.

In its essentials the credit system of The Jewish Agricultural Society differs little, if any, from that of the *Crédit Foncier* and other agrarian banks. But here is where the difference becomes marked. The society's funds being limited, it does not as a rule loan where the funds are elsewhere obtainable. It rarely, therefore, makes loans on first mortgage. Most of its loans are on second mortgage and not a few on third and even fourth mortgages supplemented sometimes by chattel mortgage or other collateral. The society loans up to seventy-five per cent of the value of the land, although in special cases it has loaned even beyond the land value. During the last twelve years it has granted 2,178 loans amounting to \$1,256,114.05. The loans average around five hundred dollars. They are repayable in moderate annual instalments, their average duration being about ten years. The interest charge is four per cent. Considering that the security taken by the society is mainly substandard, it speaks well for the farmer as a debtor when it is shown that the repayments during the last twelve years amounted to twenty-six per cent of the total loaned and the losses less than three per cent.



So much for land credit. As for strictly agricultural or short-time credit, while the society felt that this form of credit was within the scope of its work, it found itself unable to cope with the situation. With headquarters in New York and a clientele scattered from Maine to California, the society could not keep in sufficiently close touch with the borrower to permit of its extending personal credit.

To obviate these difficulties the society decided upon the adoption of the *Raiffeisen* system of cooperative credit. In 1909 it set about to organize cooperative agricultural credit associations in the Jewish farming communities in which it was interested, although, owing to legal difficulties, the first of these organizations did not come into existence till May 1, 1911.

All told, the Jewish Agricultural Society organized eight Farmers' Credit Unions—four in New York and four in Connecticut. Four more are now in the process of organization in other states. Each of them raised five hundred dollars through the sale of shares to its members and the society loaned them one thousand dollars, that is, two dollars for every dollar of their own. These loans to the Credit Unions are secured by promissory notes bearing interest at the rate of two per cent. According to their reports for the fiscal year ending September 30, 1912, their total membership numbers 240 and their outstanding shares 844, making a total capital of \$4,220. The average length of time they have been doing business is ten months, during which period they granted 342 loans aggregating \$23,375, nearly six times their share capital. Their net profits for the period amounted to \$425.88, or at the rate of more than eleven per cent per annum on that capital.

As stated, these Credit Unions are modeled very much after the *Raiffeisen* system. Their operations are confined to a small area and membership is open only to members in good standing of the local Jewish farmers' association, which is itself a member of the central organization—the Federation of Jewish Farmers of America. The Credit Unions are highly democratic and are controlled entirely by the members. Shares are five dollars each and every member has the same rights and the same voice, irrespective of the number of shares he may hold. Loans are granted only for productive purposes or urgent needs. They are not granted for a period exceeding six months nor for an amount over one hundred dollars. Interest



is charged at the rate of six per cent, and the security required of the borrower is generally a promissory note with one or more responsible endorsements.

While it may be a little early at this stage for these pioneer credit banks on American soil to show their full effect, some of the results of an adequate system of cooperative credit have already manifested themselves in the communities in which they exist. The farmer finds no difficulty in obtaining a moderate loan for productive purposes quickly and cheaply. The pernicious activity of the local usurer has thus been largely curtailed and the overbearance of the local storekeeper is in evidence no longer. Not the least important is the moral and educational effect of these associations. The Credit Unions have endowed their members with a high sense of mutual responsibility and have stimulated them to further effort in the direction of cooperation and mutual self-help.

Does all this suggest nothing whatever to us? It is true that the question of agricultural credit is beginning to receive considerable attention in this country. By order of President Taft the United States diplomatic representatives abroad made a study of the rural credit systems of the countries to which they were accredited, and only recently he had the governors of the states for a conference at the White House on the same subject. The Southern Commercial Congress, too, is agitating the appointment of a select commission to go abroad to study the question. There also is a movement afoot for a government commission for the same purpose. While the commission idea has no less an advocate than David Lubin, the American delegate at the International Institute of Agriculture at Rome, I am inclined to agree with Ambassador Herrick, who says in his report to the President:

"The time has now arrived for action in the United States. Very little can now be gained by further study in the European field. The investigations which are being carried on by the agencies mentioned in this report have already gathered nearly all the material required concerning the working principles, business methods, and achievement of the farm and land-credit systems."

What is needed is not a commission of study but one of action. We have learned all that we are going to learn of the European credit systems without actually putting our hands to it. To my mind, in order to establish cooperative credit in the United States,

we must have (1) legislation to facilitate the incorporation of such associations; (2) education to bring to the American farmer a true appreciation of the benefits of such associations; and (3) organization, that is, leadership to perform the actual task of organizing and starting these associations.

The operations of these banks are extremely simple. Any man with a modicum of horse sense and a smattering of bookkeeping is quite competent to take charge of the management of a cooperative credit bank. The business of a Credit Union is far less intricate than the daily operations of the average farmer. What the European and Asiatic ignorant peasantry have done the American farmer can also do. Considering, too, what has been accomplished abroad by the various land banks and by a philanthropic organization with limited means here, what could not an American land bank, commanding the confidence and the resources of the entire country, accomplish?

Meanwhile, the cry of "back to the farm" rings hollow when our experienced farmers and their sons are compelled to abandon their farms because they are denied the financial facilities to conduct them properly. Let us not blame the farmer for not getting the most out of his farming operations and at the same time withhold from him the only means that makes profitable farming possible. Just a little scientific financing and there will be little to worry about scientific farming.

## DEVELOPMENTS IN CHINESE LABOR SITUATION

BY GEORGE E. ANDERSON,  
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The increasing cost of labor in the open ports of China, which has been noted particularly for the past five years and which is also felt to some extent in all producing centers of China without regard to their connection with foreign trade, seems to have assumed a critical turn with the political uncertainty and political changes which have been experienced during the past two years and a half. This certainly has been true of South China. In nearly all lines of industry wages have risen from five to twenty per cent in that part of China which is tributary in a trade way to Hongkong. In some cases the rise in wages has been sufficient to completely change conditions under which goods for export are produced and the change already is materially affecting trade with foreign nations, including the United States. In the matting trade, for example, the rise in wages has been such that in spite of the fact that the current season has developed no difficulty as regards supplies of straw,—the supply, in fact, has been better than usual—the cost of manufacture has so increased as to make it impossible for producers to make and ship goods at anything like the old rate. The cost of rattan furniture, blackwood furniture, fire-crackers and all similar products into which the cost of labor enters as the controlling element has advanced about ten per cent on an average. In industries supplying native needs, such as Chinese shoemaking, Chinese tailoring and hat making, furniture manufacture and the like, the advance has been from eight to twenty per cent. The price of household service has advanced from ten to twenty per cent and the difficulty of securing acceptable service at even the advanced rates is increasing. Wages of tailors on foreign work have advanced as much as twenty-five per cent, though this is accounted for largely by the increased demand for foreign style clothing. Wages of printers, carpenters, masons and all trade mechanics have advanced similarly. In all lines of labor the increase is manifest either in actual advance or in agitation and restlessness which represent prospective advance.



The increased price of rice which has obtained over all the Far East in the past two years has had a marked influence upon these labor conditions, but there is no question that the chief element in the change has been in changing conditions in the Chinese labor world, and it is becoming more and more evident that the political changes in China are accompanied by economic changes which may as profoundly affect the country as other developments and which are likely to first affect foreign trade. The situation is opening up in a direct and practical way the entire question of the place Chinese labor is to have in the industries and trade of the world in the immediate future, and in a general way it is becoming evident that Chinese labor has advanced along the road of modern industrialism and that it is commencing to demand a return for its efforts which is more commensurate with that received by similar labor in other lands.

The mass of labor in China, of course, still remains in practically the same condition it was found by foreigners when China was first opened up to foreign trade. In the open ports and in those portions of the country in touch with foreign industry and trade and foreign ideas and appliances, this same labor has given and is now giving an indication of what the general advancement of China along modern lines means to Chinese labor. This advancement is shown in nearly all lines of modern industry,—in electrical enterprises and railways, in navigation, factory work, mining, milling and almost all similar lines. A review of the modern industrial work so far undertaken in China gives every assurance that the mass of the Chinese people as a whole will respond readily and effectively to the demands made upon them by modern industrialism. There are many reasons for believing that the industrial future of China now hinges more upon the higher training and thorough equipment, as well as the native ability of its educated classes, rather than upon the great mass of the people which must furnish the ordinary workmen for all modern industrial undertakings.

The experience of railway construction and operation in China to date has been such as to promise effective railway work. The chief engineer of the Kwangtung section of the Canton-Hankow railway line, now in partial operation the further construction of which is being pushed forward, reports that one of the most encouraging features of railway work in China is the readiness with which Chinese workmen grasp new ideas in mechanical lines. He has found that

when once new apparatus is explained to them and its use demonstrated, they grasp not only its advantages but the practical principles upon which it operates. They may not understand the scientific reasons why a machine will do what it actually does, but they accept the fact that it does it and take advantage of it accordingly. In railway work they have been found to make good locomotive engineers, not only because of their ability to manage the locomotives on a track but because of their ability to grasp the details of locomotive construction and to care for the machines in a proper manner. They make good boiler makers, molders, car makers and shop men generally, and particularly are useful in general repair work. They also make good conductors and brakemen, good trackmen both as regards ordinary work and light engineering work, are skilful carpenters and bridgemen,—in short, they adapt themselves to all lines of railway work.

The Chinese workman has already proved his worth in many other lines of modern industrial effort. In Hongkong there are the two largest ship construction and repair concerns in Asia with the exception of certain modern yards in Japan. In these dock-yards Chinese workmen have shown themselves adaptable to all lines of technical work as machine men, molders, carpenters, plumbers, sail makers, workers in iron and brass, draughtsmen and all other lines of ship-building and repair work. In the operation of ships themselves the Chinese are among the best sailors in the world, and the fact that they are now rapidly supplanting European crews on most ships sailing in this portion of the world demonstrates their worth in practical lines of technical and general work aboard ship.

In Hongkong, Chinese chauffeurs drive automobiles with notable success. They are successful motorneers and conductors on street railways; they are successful stationery engineers; they are successful as repair men for motor boats, automobiles, handling modern motors of all kinds with success. Practically all the launches in the immense shipping interests in Hongkong are handled entirely by Chinese. In street railway work they are practical trackmen. They are practical road builders and handle modern steam rollers in such work. In Hongkong, Chinese workmen are successfully furnishing all labor, save chief superintendence, for glass factories, paper factories, rope works, candle factories, soap factories, canning factories, match factories, cement factories, shoe factories and other estab-



lishments of the sort, many of the establishments having modern machinery and the latest economical appliances. Chinese workmen are successful expert repairers of sewing machines, typewriters, phonographs, watches, clocks, cameras and practically all lines of foreign machines and apparatus sold in the Far East.

Chinese workmen, as a rule, are economical of materials and careful of machinery. They are very careful of tools, use them skillfully and bear with imperfections which western workmen would not accept in tools or apparatus at all.

As a rule, northern Chinese workmen are considered the best among the Chinese, and yet it should be noted that the experience of the Hanyang Iron Company at Hankow has been that their best workmen are from Canton in the extreme south of the empire, their next best from Ningpo in central coast China, and their third best from their own province in mid-China. The Cantonese by centuries of training are unquestionably the best adapted, of all Chinese, to industrial life. Canton is to-day, and has been for years, the center of an industrial life which has few counterparts in the world. That city of perhaps a million and a half population is one great hive of industry and trade. Its industrial production, like that of all China, is from small shops and hand work, but the aggregate is enormous, while the industrial training given its people is one of the great assets of China in the modern industrial life the nation is now entering upon.

Nevertheless Chinese labor is not to be considered upon the same industrial basis as European or American labor. In mill work and similar employment it is generally rated at about ninety per cent of European efficiency and at about one-seventh the wage cost. In other lines its efficiency is not so great. Many things are to be considered in this connection and it is doubtful whether in the long run Chinese labor will be found much more than half as cheap as European labor, and as the country develops industrially it makes such new demands upon its people that wages must rise in proportion. This inevitable rise is the change which is now upon us. Probably the change will come by irregular advances with perhaps a reaction from time to time. It will probably proceed along lines similar to those followed by a similar change in Japan. It may be relied upon that China is to develop industrially to a more or less extent at once, and that its modern industries will be embarrassed in no way by a lack of



intelligent and efficient labor at a reasonable price. But it is quite unlikely, both as a social and an economic proposition, that there will be any flood of Asiatic products in Europe and America as a result of such development. The country and people will do very well indeed if their industrial advancement can keep pace with the increase in their own demand for the products of such industrial development.

## THE UNAPPRECIATED TIN-PEDDLER HIS SERVICES TO EARLY MANUFACTURERS

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BY R. MALCOLM KEIR,

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It seems to be a trait of human nature that in the glamor of a big success the small beginnings that made the success possible are forgotten. Some of the great industries of which New England is so justly proud have ceased to remember that they owe their start to the humble and even despised peddler. Because the peddler in his zeal for a bargain often used trickery,<sup>1</sup> that is the thing on which his reputation rests, and not the real service he rendered to the struggling industries of his day, by disposing of their products. The story of the peddler takes us back to early colonial Connecticut.

The first settlers in Connecticut followed the general rule that farming, the getting of a food supply, interests men before any other industry. It is only when agricultural opportunities fail that other modes of earning a living are sought. Connecticut pioneers picked out the rich farm lands along the Connecticut River, and in so doing seized nearly all the land available for agriculture. In the rest of the state the soil is thin and full of rocks, so late comers in Connecticut had to seek some way of gaining a livelihood other than farming. Shipbuilding and fishing became the industries of the shore, distilling rum and molasses the occupation both inland and along the coast. But these failed to fill the demands for employment, so many settlers emigrated westward. It remained for two enterprising immigrants to find a new profitable home industry.

These two were brothers, William and Edward Pattison, who had come to a settlement on the Connecticut River in 1740, and finding no farm lands to their liking, set up the business of making tinware, a trade they had learned in England. This industry required little capital, or labor, and so was fitted for pioneer conditions. Its market was good, for tinware had previously been a high-priced imported article, much prized. The brothers imported sheet tin

<sup>1</sup> For instance, he was guilty of selling hams made of bass wood, cheeses of white oak and nutmegs of wood.

from England at Boston; then carried it by horseback to the Connecticut River town, where it was pounded into shape with wooden mallets over anvils. When a goodly supply of wares was prepared, it was packed into a sack, and with this slung from their shoulders the brothers traveled on foot through the nearby settlements, making house-to-house calls until the stock was sold. Thus began the Yankee tin-peddler.

After a little while the range of the brothers' travels became too great to be covered on foot, so ingenious baskets were fitted to horses' saddles, and the peddlers rode about their business. As their trade continued to increase, young apprentices were taught the art of making tin. The brightest, most reckless young men in the home town were sent out on the road with one or other of the brothers to learn the lures of a trade, involving on one side shining tin, and on the other, caraway and mustard seeds, feathers and old metal. These young men became that great institution, the Yankee tin-peddler. They were brave, for no coward would venture alone on the long journeys at that time. They were clever, for they had no rules to guide them through the accidents of the road. They were highly immoral, for they were always among strangers and alone. They were keen-witted, for they were pitted daily against sharp pioneers. And they were full of tricks, for they would do anything to make a trade.

Of course the neighbors of the Pattison brothers copied their success, and soon Connecticut was the recognized center for tinware. Each home shop sent its corps of men to tour the colonies, so the nasal-toned Yankee peddler was known wherever two or three people were gathered together. When the nation began to build turnpikes, in 1790, these roads enlarged the peddlers' operations, for they allowed him to use a wagon of his own invention instead of the back of a horse. The wagon was designed to carry the most wares in the least space, and was a maze of secret compartments, hooks and drawers. With the coming of canals and roads the peddlers perfected their organization.

Single or two-horse wagons were started from Connecticut in the spring, and traveled north, south and west toward pre-arranged depots. In the fall, workmen from the Connecticut shops were sent by water to such central points as Montreal, Richmond, Charleston or Albany. There they made new articles of tin from raw materials



which they had carried with them. Peddlers worked toward these central points to replenish their wagons, and then struck into the interior for the winter, making house-to-house canvass of their wares. In this way literally every hamlet in the colonies came to know and use the Yankee notions sold by the peddlers.

After 1820, roads had been enough improved so that depots were established at favorable inland points, as well as at points reached by waterways, and so operations were extended still further inland, even to the remotest frontier. Since the currency was in a chaotic state, much of the trading was simply bartering, the peddler taking household products to the towns and town products to the farms, until such times as he could sell for actual money. At the end of a six or eight months' trip the peddler sold his horse and wagon wherever he could, and then made his way back to Connecticut with his gains for his employer. Thus was built a strong distributing and selling organization that closely resembles in some of its details the oil monopoly of to-day, whose hold is in distribution and not in production. The peddlers were not individual traders, but were employed by a few capitalist tin makers in Connecticut. The supply stations were established at strategic points and from these, regular routes ramified in all directions. Thus the whole country was controlled by a complete distributing system.

All this elaborate organization was in the sales department of the business. Its manufacture remained a simple thing. A small shop, rarely employing more than fifteen or twenty men, and seldom conducted on what we know as the factory system, sufficed to keep several times as many peddlers supplied. Connecticut was the recognized leader in the tin industry down to 1850, but the state does not owe so much to the value of the goods produced or to the number of men employed at home as it does to the perfection of an intricate selling system, and the extension of the fame of Connecticut as a manufacturer of useful articles. Tin no longer holds a high place in the state, but the other goods which were carried to their market by the organization made to sell tin, and so dependent on it for their success, have become permanent, valuable assets for the state.

It will be interesting to trace some of these other industries. For that purpose brass goods and clocks have been selected.

The brass industry had its humble beginning in the manufacture of buttons. The first buttons were made of pewter, and cost as high

as a dollar apiece. Pewter buttons gave way before those made from brass. Brass is an alloy made from copper and zinc. The copper for the brass buttons was obtained from old sheathing in Connecticut ship-yards, or from worn-out copper kettles of the rum distilleries. This was mixed with imported zinc and made into sheet brass in mills that had cast and rolled iron in the western part of the state before the Revolution. There was no thought of selling the sheet brass, for there was no market for it. Buttons did have a ready market, and a high value with little bulk, so sheet brass was stamped into buttons which were gilded and put on sale. Since buttons were made of metal, they were usually sold by hardware dealers. The dealers refused to have anything to do with American-made buttons, claiming that English buttons were superior in quality and appearance. But for one thing, the infant industry would have died early. Shut out of one market, the experimenters reached a better, more direct one, by handing over their buttons to the peddlers. Since the buttons took little room the peddler could easily add them to his stock in trade. Through him they found a ready and increasing sale. Although brass was first made to supply buttons, improvements in casting and rolling brass so increased the supply of the sheet metal that the demands for buttons alone could not utilize the surplus. New uses had to be created. The new products were all small. Brass kettles to hang alongside the tin vessels on the peddler's wagon were manufactured. Wire was drawn from the sheet brass, then stamped into pins or hooks and eyes. The peddler was glad to add these things to his outfit, because the greater variety of wares to display made him more sure of striking a trade.

There is a great difference between the tin industry and the brass. Tin manufacturing always remained a simple, small-scale affair. Brass has grown to giant proportions. Tin employed few workers. Brass employs thousands of skilled and unskilled men, women and boys. Tin was short lived. Brass has been a permanent valuable addition to the state. But, nevertheless, the great brass industry is greatly indebted to the tin industry which went before it, for without the selling organization provided by tin, the brass buttons could have reached no market.

For the manufacturing of clocks, too, the peddler supplied the market. In our colonial period, clocks were ponderous affairs made of wood and standing higher than a man. The spur of necessity



made the people of New England find new ways to gain a livelihood. Clock making was one of these new methods. The settlers applied their ingenuity toward making the clock cheap enough to go into the ordinary home, and less of a curiosity. The first improvement was the making of interchangeable parts. This alone greatly increased the production of clocks and cheapened their cost. Next the clock was made small enough to stand upon a shelf. This marked a new era. The small shelf clocks, like buttons and pins, found their market on the peddler's wagon and met with an astonishing sale. No longer were clocks the badges of the rich. Every poor man could own one. Many attempts to replace wood by metal or even glass in the clock parts failed because metal was expensive and wood very cheap. Not until 1837 was brass cheap enough to compete with wood. That year a radical improvement was made. Clocks were constructed to run for one day only and not for the customary eight days. The interchangeable parts were made of stamped brass, and the price was six dollars, an astoundingly low figure. Connecticut became the nation's timekeeper. Peddlers carried the new brass clocks into every nook and cranny of the land, becoming nearly as famous for clocks as they had been for tin. It was this wide sale that gave the industry its start. The peddler was the connecting link between a widespread, scattered demand and a bettered means of production.

So in many ways the peddler was the necessary go-between joining producer and consumer. Lack of a better means of transportation and communication helped him to build his trade routes. Peddling started at a time when roads were but poorly kept trails, oftentimes missing altogether. When turnpikes and canals were constructed they afforded the peddler a better means of getting about. His business was increased by extending its range. But when railroads were built the peddler's knell was sounded. The steam engine was quicker, cheaper and more efficient than the horse. People preferred trading with a man of their own community when that man could get goods quickly and cheaply by railroad.

So the peddler fell from grace. He was no longer a welcome visitor bringing news and wondrous trinkets from the world outside. His former trade went to the local tradesman. His cart lost its red paint and his horse no longer looked well kept. The character, too, of the man engaged in peddling changed; the shrewd, bareboned



Yankee was replaced by the bearded Hebrew or the unctious Greek. The jingling tin-cart was seen only in the remote districts far away from the railroads. To-day the trolley cars, rural free delivery and the parcels post are driving the peddler even out of this market. Soon he will be but a picturesque memory.

So although we must admit that the peddler deserved his reputation for being over-sharp in a bargain, we must not let this fact blind us to the real service he has rendered. When other means were lacking he provided a feasible way of getting goods into the hands of the users of the goods. Production without sale is failure. Distribution is the life of trade. Without the peddler as distributor many of New England's industries would have waited a much longer time to be born, and then conditions would have so changed that New England probably would not be their present home. New England ought to honor the peddler for his service rather than despise him for the manner in which the service was rendered.

## BOOK DEPARTMENT

### NOTES

ADAMS, JOHN. *The Evolution of Educational Theory*. Pp. vii, 410. Price, \$2.75. New York: Macmillan Company, 1912.

ATKINSON, W. WALKER. *The Psychology of Salesmanship*. Pp. 246. Price, \$1.00. Holyoke, Mass.: Elizabeth Towne Company, 1912.

This book is among the first to analyze the sale, psychologically and logically, with respect to the parts of a sale. Theories are advanced relating to the qualities necessary for the salesman, himself; an analysis of human traits likely to be found in the several classified buyers; and a description as to the parts of a sale with their related principles; for example, the preapproach, the approach, the demonstration and the close. The chapter entitled *The Psychology of Purchase* is unique and is suggestive of the mental states to be aroused or to be avoided when a salesman is in the actual process of selling. Such subjects as Voluntary Attention, Curiosity, Associated Interest, Decision, etc., are analyzed minutely in connection with suggestion and argumentation as factors in helping to complete a sale. The theory of salesmanship is most thoroughly worked out. The practical application of the principles, however, would have to be formulated apart from the text. The ideal way of using this book would be as a supplement to actual class sales, which a course in practical salesmanship demands.

BLICHFELDT, E. H. *A Mexican Journey*. Pp. viii, 280. Price, \$2.00. New York: Thomas Y. Crowell Company, 1912.

To one who has "been through an experience delightful beyond description," such as is a tour through Mexico, an acquaintance with Mr. Blichfeldt's "*Mexican Journey*" is a rare treat. The author, moreover, has depicted Mexican scenes in such a pleasing and entertaining manner that his book should be particularly good reading to any one who has not been over the ground himself, for it holds the attention and interest of the reader just as that fascinating country absorbs the attention of the visitor. To those who know the country for which "words of description are difficult to find," Mr. Blichfeldt is at once recognized as a fair-minded writer, and his work may be accepted as a wholesome guide. The subject is handled in a masterly way and the work contains just enough of all phases of the past and present conditions of our southerly neighbors and their country to entertain and satisfy the average person.

BOGART, E. L. *Economic History of the United States*. Pp. xv, 597. Price, \$1.75. New York: Longmans, Green & Co., 1912.

Professor Bogart's "*Economic History of the United States*" has met with deserved success. It is well adapted to use with university classes and is a most satisfactory book for the individual student of history or economics. In the second edition the information contained in the first edition, which appeared in 1907, has been brought down to date, and the volume has been appreciably increased

in size. Chapters have been added upon Currency and Labor. This revision of the volume, five years after its first appearance, will continue its use in university classes, the teachers of which will be grateful to Professor Bogart for giving them up-to-date material.

VON BÖHM BAWERK, E. *Kapital und Kapitalzins*. (Vols. 3 and 4.) Pp. viii, 746. Innsbruck, Germany: Verlag der Wagnerschen Universitäts-Buchhandlung, 1912.

The first two books of the third edition of Böhm Bawerk's "Positive Theory of Capital" appeared in 1909. The remainder of the revision has just appeared (1912) and includes two books, one on Value and Price and one on Interest. In the second edition these subjects were all treated in one book under the title, Interest. The treatment is now much enlarged and has been enriched by the addition of several entirely new chapters. There are new chapters in Book I that treat Value in its Relation to Purchasable Goods; Value and Labor-Effort; Psychological Contribution to Value Theory; and a chapter on The Problems of Price Theory.

BONSAL, STEPHEN. *The American Mediterranean*. Pp. xiv, 488. Price, \$3.00. New York: Moffat, Yard & Co., 1912.

Shipping companies, capitalists and men of affairs have had their interests in the West Indies and the Caribbean stimulated by the building of the Panama Canal. To no country, not even to the European nations owning colonies there, is the future of this region so important as to the United States. For this reason Mr. Bonsal will command a wide circle of readers. His chapters are written in an easy style. Their thought seldom attempts more than a surface sketch of conditions, more would in fact be impossible in a single volume. The chief line of argument is this: The Panama Canal will make control of this region by the United States imperative. Many European states will sooner or later have to give up their West Indian colonies because the latter cannot now pay their own expenses and they can be made to do so only by economic absorption into the United States. Some of the islands may be saved by a revival of sugar growing, the introduction of cotton and cocoa and the development of the fruit trade but the latter at least cannot be made profitable without the American market.

The treatment of the different regions is unequal both in space and thoroughness. Central America is not touched upon. The chapter on Mexico is confusing. Four chapters are devoted to Hayti with the usual emphasis on Voodoo, about which no one has written anything new since the accounts of Froude and Spencer St. John. A long account of the Castro regime in Venezuela could well have been cut down or omitted, as well as the chapter on the English expedition of 1740 against Cartagena. The discussion of the present conditions of the Danish, Dutch, French and smaller British West Indies, almost unknown to Americans, is well done. There is a good description of the backwardness of Colombia and of the work being done at Panama.

The student of affairs will not find this a solid book, but the racy style and keen observation of a clever and well traveled newspaper man make the volume interesting and valuable.



BOSANQUET, MRS. BERNARD (Ed.). *Social Conditions in Provincial Towns*. Pp. iii, 82. Price, 40 cents. New York: Macmillan Company, 1912.

Seven different writers have contributed to this volume brief sketches of social conditions in Portsmouth, Worcester, Cambridge, Liverpool, Edinburgh, Oxford and Leeds. Mrs. Bosanquet writes a brief introduction.

BRYAN, WILLIAM JENNINGS. *A Tale of Two Conventions*. Pp. xxviii, 307. Price, \$1.00. New York: Funk, Wagnalls & Co., 1912.

Wide experience in public life makes these letters written by Mr. Bryan as correspondent to three dozen of the leading newspapers an especially interesting picture of our greatest national spectacle, the national convention. Of the two conventions, the republican is treated the more satisfactorily. There Mr. Bryan was an outsider, one able to criticise as were few if any others. His accounts of the skirmishing for position, the opposing leaders and the contest itself are all clever and in the main impartial. In the democratic convention Mr. Bryan was a delegate as well as a reporter. To many he seemed the power which controlled the policy of the party. Under such conditions it can not be expected that the description should lack connection with the outcome toward which the writer worked. The book includes a summary of the events of the progressive national convention and Mr. Bryan's comments on the forces which it combined. The illustrations are typical cartoons of the campaign.

CADBURY, EDWARD. *Experiments in Industrial Organization*. Pp. xxi, 296. Price, \$1.60. New York: Longmans, Green & Co., 1912.

A number of English manufacturers have turned their attention to the problem of providing living accommodations for their employees in proximity to their factories. Among the most notable of such efforts is that at Bournville, conducted by the Cadbury Company. Basing his work primarily on the experiences gained at this plant, and generalizing somewhat from this experience, the author discusses the selection of employees; their education and discipline; the provision of health and safety; the methods of remuneration; and in general, systems of welfare work, with particular emphasis on the social side of the welfare problem. Whatever element of paternalism may be inseparably connected with the building of model communities by socially inclined employers, this book is a valuable contribution to the records of experiments already made in that direction.

CHANNING, EDWARD. *A History of the United States*. Vol. III. Pp. 585, Price, \$2.50. New York: Macmillan Company, 1912.

CHAPMAN, S. J. *Political Economy*. Pp. 225. Price, 50 cents. New York: Henry Holt & Co., 1912.

The author takes his place among the group of writers who have recently attempted to popularize the doctrine of economics by publishing it in compact, readable form. Whatever success the book may achieve will be due to this fact alone since the viewpoint is distinctly orthodox throughout.

COOLRIDGE, MARY ROBERTS. *Why Women are So*. Pp. viii, 371. Price, \$1.50. New York: Henry Holt & Co., 1912.

"Why Women are So" is an earnest attempt to discover how many of the so-

called feminine characteristics attributed to women are hers by innate right, and how many have been acquired through long tradition and social custom. Miss Coolridge has not included in her discussion the exceptional woman; she has endeavored to confine herself to the ordinary orthodox, middle-class women who have so long constituted the domestic type. The volume contains nothing new. It is merely a recapitulation of the modern protest against the labeling of all required feminine characters as innate. Far from being scientific in method, the style is such as to appeal to the lay or casual reader. It would fulfil excellently the place of a primer to one unacquainted with the arguments and features of the modern woman movement.

CRAMER, J. G. (Ed.). *Letters of Ulysses S. Grant*. Pp. vii, 182. Price, \$1.75. New York: G. P. Putnam's Sons, 1912.

Of the sixty-four letters of General Grant, printed in this volume, the first thirty-eight, which were written to his father and youngest sister between 1857 and 1865, give a fairly clear impression of Grant's personality and of his attitude toward the doctrine of secession. The remainder of the collection, nearly all of which were written to his brothers-in-law, relate to unimportant family matters or describe the itinerary of Grant's foreign tour, and are entirely devoid of interest. The collection as a whole should be of interest to persons who are desirous of becoming acquainted with a few details of Grant's everyday life, but it is of little importance historically, shedding no new light on either the issues or the events of the times. Only five of the letters were written between 1863 and 1865, the most important period of Grant's military career, and only nine of them were written while he was President.

DOLE, C. F. *The Burden of Poverty*. Pp. 124. Price, 50 cents. New York: B. W. Huebsch, 1912.

It is seldom that one finds in such brief compass so satisfactory a review of a great section of human life. In happy manner, the author surveys the causes of destitution and the present philosophy thereof. In great social wastes, war, alcoholism, disease, etc., he finds the sources. In some new idealism, not necessarily the present socialism, lies the way out. The volume will attract and interest many readers who have given these subjects little attention and will stimulate thought on the part of those more closely in touch with present conditions.

FETTER, FRANK A. *Source Book in Economics*. Pp. 385. Price, \$1.30. New York: Century Company, 1912.

Like the other so-called source books, this work of Professor Fetter consists primarily of contributed material. Source material, rightly considered, is a matter neither of opinion nor of speculation. To be effective, the source book must contain primarily facts. It stands to Professor Fetter's credit that in this book, more than in any previous one, facts are cited, rather than opinions. The material is still far from "source" in any true sense of that word. The author discusses Markets, Prices, Wealth, Capital, Labor Costs, Profit and Monopoly, Profit Incomes and the State and Industry. The book is probably the most valuable of its kind that has yet appeared.



FILLEBROWN, C. B. *A Single Tax Handbook*. Pp. 180. Price, 20 cents. Boston: The Author, 1912.

A useful compilation of extracts from classical economists and present-day single-taxers explaining briefly the principles upon which the single tax is based.

FINOT, JEAN. (Translated by Mary J. Safford.) *Problems of the Sexes*. Pp. xiv, 408. Price, \$2.00. New York: G. P. Putnam's Sons, 1913.

Jean Finot has added another to the shoal of recent books which have compared the relative capacity of men and women, described woman's dependence in the past, estimated her creative possibilities, and discussed the opportunities open to women in the future. So far as its content is concerned, the book contains nothing new. Conservative, yet distinctly French in his viewpoint, the author presents a view of the woman movement, which is, to say the least, enlightening to the average Anglo-Saxon. His work is prophetic rather than descriptive, and although there is a tendency to underestimate the particular achievement of woman, the grip on the future is none the less sure. He writes (p. 289): "So let us not weep over the death of the traditional woman, but admire the renewal of her beauty, the multiplicity of the aspects of the new woman, the richness and the infinite variety of her bloom. The sincere woman, acting and thinking in behalf of the city, will replace worthily the demon woman or the servant woman, both dedicated to weakness and to falsehood." (P. 395): "The new woman, moving toward the heights which attract her, is the Beatrice awaited for centuries. She will restore at last to the human race the harmony between the sexes so seriously compromised, the peace between the nations so ardently desired, and the happiness so long expected." Even those thoroughly acquainted with the modern feminist literature will do well to devote some attention to this volume.

*The Foundations of Freedom*. Pp. 158, Price, 4d. Middleton, England: John Bagot, Ltd., 1912.

This book consists of a number of short essays, devoted to popularizing the single-tax theory as set forth in Henry George's "Progress and Poverty." It is an able presentation in a form easily understood by the layman.

GARR, MAX. *Die Wirtschaftlichen Grundlagen des Modernen Zeitungswesens*. Pp. 79. Price, m. 2.50. Leipzig: Franz Deuticke, 1912.

GOODRICH, J. K. *Russia, In Europe and Asia*. Pp. x, 203. Price, \$1.50. Chicago: McClurg & Co., 1912.

All authors who write of the life of great nations are tempted to spread their discussions out too thin, a temptation not resisted in this book. There is a great need of books which confine attention to the leading phases of national life, economic, social, religious and political but no single volume can do this, especially if at the same time an attempt is made to treat the history of a country, its foreign policy, its geographical characteristics and its natural resources.

Russia the author has learned to know chiefly in his study, the only firsthand acquaintance being secured apparently on a trip over the trans-Siberian and through the chief towns visited by the tourist in European Russia. Only four chapters deal with present-day life in Russia in Europe. Nine treat national and colonial expansion, and three the geography, flora, fauna and natural resources.



Over four-fifths of the discussion relates to Russia in Asia with its fifteen millions of people, less than one-fifth to Russia in Europe with its one hundred and fifty millions. Even the chapter on the people is avowedly based on "the opportunities for studying a goodly number of widely different types of mankind as one travels by train across Siberia." The chapter on cities and towns considers only St. Petersburg and Moscow in European Russia, the others being the towns in Siberia seen evidently on the same railway journey. For the other information reliance is upon the "Encyclopedia Britannica," and the numerous good works on phases of Russian expansion. There is a fair discussion of educational conditions in Russia in Europe and a good short summary of the government. The chief theses maintained are that Russia does not want India, that Turkey is her main objective and that in the Far East the veiled alliance with Japan forbodes future trouble. The international problems of Russia are not hinted at except in a brief allusion to the treatment of the Jews to which a partial justification is given.

GOODWIN, GRACE D. *Anti-Suffrage*. Pp. 142. Price, 50 cents. New York: Duffield & Co., 1912.

In this little volume the author purports to give ten good reasons for the non-extension of the franchise to women. "The discussion in this book," she says in the introduction, "is concerned with answering the arguments of suffragists who claim," etc. The argument is clear and concise, and forceful enough to sound plausible to one unacquainted with the facts. The chief objection of the writer seems to be to the doubling of the electorate, and to the data obtainable concerning results in suffrage states. She lays considerable weight upon the efficiency of indirect, as opposed to direct, political influence.

HALL, W. P. *British Radicalism, 1791-1797*. Pp. 262. Price, \$2.00. New York: Longmans, Green & Co., 1912.

A suggestive and scholarly survey and appraisal of facts and theories in England during the most stirring years of the French revolutionary period.

HARTLEY, C. G. *Spain Revisited*. Pp. 330. Price, \$2.50. New York: James Pott & Co., 1912.

The book is a rather glowing account of a pleasant holiday which leaves the reader the sort of impression that remains in the mind of an enthusiastic summer tourist.

HEMMEON, J. C. *The History of the British Post Office*. Pp. xi, 261. Price, \$2.00. Cambridge: Harvard University, 1912.

To those interested particularly in the problems growing out of the postal service, either in matters of administration or finance, this volume will contain much that is of value. Carefully prepared and annotated, and with statistical appendices, it affords a mine of historical information that is worthy of serious notice. A review of the postal department, from its humble beginnings to its present monopolistic status is made subdivisionally, the topics of the post as a source of state revenue and as an instrument of taxation being of special interest. In addition, an account is given of the telegraph and telephone systems in their relation to the post office. The author concludes with a modest personal viewpoint of the policy of Great Britain towards this important governmental function. In style, the book is readable while somewhat heavy in tone, but its scholarly attitude is unmistakable, and as a handy reference monograph it will be appreciated.

JORDAN, DAVID STARR. *Unseen Empire*. Pp. 211. Price, \$1.25. Boston: American Unitarian Association, 1912.

The title "Unseen Empire" might with greater propriety have been "Unseen Desolation," since the book deals with the costs of war as they appear in the bankrupt treasuries and depleted resources of nations. In "The Human Harvest," Dr. Jordan showed the effect of war on manhood, here he shows it on finances. Though unoriginal, the book is a contribution to the popular literature making for universal peace.

LEARY, L. G. *Andorra—The Hidden Republic*. Pp. x, 191. Price, \$1.50. New York: McBride, Nast & Co., 1912.

Not only because it is the least populous and one of the smallest of independent states is Andorra interesting, but because it lays claim to being one of the oldest. Mr. Leary devotes about a third of his little book to a description of the country surrounding the republic, especially on the French border. The rest is a charming description of the rugged lands, honest citizenship and simple government of the little state hidden in the Pyrennes, with a rather detailed account of its history. The book is illustrated with excellent photographs taken on the author's trip. Those who are interested in the history of the few remaining "international particles" or in the provincial life of the French-Spanish border will find this book a welcome addition to the little information on the subject available in English.

L'INSTITUT MOBEL NORVÉGIEN. *Catalogue de la Bibliothèque*. Pp. 238. Price, \$2.50. New York: G. P. Putnam's Sons, 1912.

LOWELL, A. LAWRENCE. *The Government of England*. Two vols. Pp. xxv, 1147. Price, \$2.00 each. New York: Macmillan Company, 1912.

"Changes in the British government will therefore take place, but they will come slowly," wrote President Lowell, in the concluding paragraph of his work on the government of England; yet within four short years he has been obliged to add a chapter to explain the important changes wrought by the budget controversy of 1909 and the parliament act of 1911. Aside from this addition, the new edition does not differ materially from the old. It is a matter of regret that President Lowell has not brought down to date the chapters dealing with the national party organizations.

MCCABE, DAVID A. *The Standard Rate in American Trade Unions*. Pp. xii, 252. Price, \$1.25. Baltimore: Johns Hopkins Press, 1912.

A detailed study that affords not only an interesting array of current facts concerning trade unionism, but illuminating glimpses of trade unionist philosophy.

MAHAIM, ERNEST. *Le Droit International Ouvrier*. Pp. viii, 385. Price, 6 fr. Paris: Librairie de la Société du Regueil Sirey, 1913.

MENDE, KATHE. *Munchener jugendliche Ladnerinnen zu Hause und im Beruf*. Pp. cxl, 283. Price, m. 9.50. Berlin: J. G. Cotta, 1912.

MEYER, F. L. *Twentieth Century Manual of Railway Station Service*. Pp. 271. Price, \$1.25. Chicago: Rand, McNally & Co.

The multiplicity of details connected with railway station service creates a constant need for a comprehensive text-book, which this manual should completely



satisfy. The various duties of station agents in caring for the freight, passenger and baggage service are set forth in a succinct manner, and adequate instruction is given as to how each duty is to be performed. Persons having business dealings with railroads will also find the book a useful source of information concerning the services they have a right to demand of station employees as well as to what services they have no right to ask, a clearer understanding of which would often save both the railroads and the public considerable trouble and expense.

NOGARO, B. *Elements d'Economie Politique*. Pp. 388, Price, 6 fr. Paris: M. Girard & E. Brière, 1912.

This is a text-book in condensed form for first and second year students in French schools of jurisprudence. The conventional divisions of economics are preserved, and the material in the present volume covers two of these: production and exchange. The method of presentation is that of first setting forth the functioning of the principal economic institutions, before covering underlying economic elements. These two phases then form a basis for the discussion of problems.

OKENFULL, J. C. *Brazil in 1911*. Pp. xii, 395. London: Butler and Tanner, 1912.

This handbook on Brazil attempts to cover a wide range of topics—geography, geology, ethnography, history, commerce, natural history, literature, and so on. Not only is the treatment of many of these topics necessarily superficial, but the information is often fragmentary and disconnected, where it is not unwarranted exaggeration. When, in discussing climate (p. 20), the author says, "If we strike a fair balance, we shall find that Brazil is assuredly one of the healthiest countries in the world, and that no other tropical or semi-tropical zone can possibly rival it, even as far as salubrity is concerned," the reader is warranted in concluding that this is another example of "boom literature," a variety all too common among books dealing with South American countries. It may have been an error of the printer that placed the area of Brazil at 5,682,415 square miles (p. 87), instead of 3,270,000 square miles, its true area, but the statement that Brazilian diamonds, on the average, are fifty per cent better than those obtained from South Africa (p. 206) cannot be so regarded. While the book contains much information that is of value, its service is limited because of such errors and exaggerations as these.

OGG, F. A. *Social Progress in Contemporary Europe*. Pp. vii, 384. Price, \$1.50. New York: Macmillan Company, 1912.

No more satisfactory work than this could be found to summarize the past century's developments in Europe—political, economic, social. Beginning with the French uprising of 1789, the author traces "the breaking down of the barriers which once separated classes of men, the abolition of privilege, the extension of political power to the masses, the establishment of equality before the law, the upbuilding of popular education, the freeing of thought and of the press, the liberating of religious opinion, the application of scientific discovery to the problems of human existence, the invention of machinery and the introduction of the use of steam power, the placing of public safeguards about the conditions of labor, the extension and readaptation of philanthropy, the provisions of agencies for



the care of the people's savings, the establishment of systems of insurance against sickness, unemployment, and old age, and a multiplicity of other more or less far-reaching innovations in the interest of the public weal."

This review is carried through concisely and with telling emphasis on significant events and movements. The book should prove equally useful as a textbook and as a source of information for general readers.

PENNELL, JOSEPH. *Pictures of the Panama Canal*. Pp. 126. Price, \$1.25. Philadelphia: J. B. Lippincott Company, 1912.

The Panama Canal works are on such a grand scale that verbal descriptions and photographs can convey but a very inadequate idea of the undertaking. Mr. Joseph Pennell has reproduced in his remarkable series of lithographs the impressions of one trained in the interpretation not only of the usual subjects of art, but of great works of human achievement. The lithographs made by Mr. Pennell have been very artistically and successfully reproduced in an attractive volume. The brief descriptions by him that accompany the sketches add to the value of the book, which will be appreciated not only by lovers of art but also by engineers and other students of the canal.

PIERSON, N. G. *Principles of Economics*, Vol II. Pp. xxiii, 644. Price, \$3.25. New York: Macmillan Company, 1912.

The first volume of the translation of Professor Pierson's classic treatise appeared in 1903. This dealt with Value in Exchange and Money. The present volume deals with Production and the Revenues of the State. Of these, only the part dealing with Production was reviewed in translation by the author before his death. The treatment of Production is liberalistic, both in material and in trend of argument, although this attitude is considerably modified by a recognition of the need of social interference with production at many points. In the author's view a plentiful production of itself conduces to greater equality of distribution and in his judgment the fear of a general glut is groundless. A system of production based on self-interest is eminently successful as a whole, but *laissez faire* has its shortcomings. Philanthropy and the state must often intervene to provide essential non-economic goods. Then, too, self-interest often operates ruthlessly so that it must be curbed and guided by social legislation. This, however, should stop far short of socialism. In Professor Pierson's view, it is impossible to arrive at a verdict in favor of socialism as an alternative to the existing order, even on moral grounds. The bulk of the matter dealing with production is concerned with the population problem, protectionism and land tenure.

Part IV, dealing with the Revenues of the State, affords an excellent summary of facts and principles covering public domains and fees, taxation, its regulation and incidence, and loans.

ROOT, W. T. *The Relations of Pennsylvania with the British Government, 1696-1765*. Pp. iv, 422. Price, \$2.00. New York: D. Appleton & Co., 1912.

The scholarly work by Dr. Root upon the Relations of Pennsylvania with the British Government during the colonial period is the result of some years of labor. The book started as a doctor's thesis but later grew into the present volume. The information is secured from original sources, and the author's point of view

is that of present-day historians, who are at last able to appreciate the policy of Great Britain toward the colonies as fully as the attitude of the colonies toward the mother country. Successive chapters consider the Central Institutions of Colonial Control, the Acts of Trade, the Court of Vice-Admiralty, the Royal Veto, and the Colonial Judicial System. The latter half of the volume is concerned more directly with affairs colonial, the chapter titles being Finance and Politics, the Quaker and Anglican, Imperial Defence, and the French and Indian War. The question of Imperial Centralization is considered at the close of the volume.

Savage, William G. *Milk and Public Health*. Pp. xviii, 459. Price, \$3.25. New York: Macmillan Company, 1912.

The author is County Medical Officer of Health, Somerset, and also assistant in charge of the bacteriological department, University College, London. He divides the volume into three parts: I. The Bacteriology of Milk; Milk and Human Disease; Part II, The Bacteriological Examination of Milk; Part III, Public Health Control of the Milk Supply. The volume is primarily intended for health officials, but the language is not too technical for the interested layman. There are many excellent illustrations. In view of the growing interest in pure food in America this record of English practice and experience will prove of great value.

Sedgwick, G. A. *The Democratic Mistake*. Pp. 217. Price, \$1.00. New York: Charles Scribner's Sons, 1912.

This volume is comprised of the Godkin lectures delivered at Harvard University in 1909. The main thesis of the author is that democracy has made two fundamental mistakes: first, the mistake, based on the philosophy of Bentham and Jefferson, that responsibility in government could be secured adequately through elective machinery, and, second, that democracy and responsibility in government could be secured through a short tenure of office. "Democracy has at least two idols, of which one is the false worship of equality as always an end in itself, and which treats it as an object of government to introduce equality, not merely of right and opportunity, but of condition; the other, the worship of the ballot as a universal means of curing all ills and enforcing responsibility. The inevitable result is the continuous exercise of elective machinery, the multiplication of elections and of offices, and the division and dissipation of responsibility for the better division of patronage and spoils. . . . Continuous suffrage is not a final solution of all the problems in government; to be successful it must be sparingly used, and only by electorates which are fitted for it, and only for questions about which there has been ample time for discussion and deliberation."

The author feels that, since responsibility has broken down through short tenure and frequent elections, it must be restored through their opposites, longer tenure and fewer elections. In order to secure efficiency in government, he recommends the lengthening of legislative service, the encouraging of independent nominations, judicial tenure during good behaviour, municipal government in the hands, not of the "hall" or the "organization," but of a smaller number of fit men, holding office for a long term and acting as supervisors and administrative experts.



One cannot accept the book in any sense as a good critique for all governmental problems. For instance, one could not agree that "the means by which a good administration of justice can be secured, are no longer matters of speculation; they are known; the means by which patronage and the evils of patronage can be eliminated from the public service are known; the way to destroy hereditary privilege and open the road to advancement to merit is known," for civil service is not a sure panacea for all such ills. But the book is an effective criticism of multiplicity of offices, multiplicity of elections, and a short tenure as means of democratic control.

SIMS, N. L. *A Hoosier Village*. Pp. 181, Price, \$1.50. New York: Longmans, Green & Co., 1912.

In this monograph the author presents a brief sketch of the social development of a town of 2,500 inhabitants in the northeastern corner of Indiana. Founded by free thinkers and spiritualists, who are portrayed as loose and immoral, the development into an orthodox law-abiding community, highly emotional and highly satisfied is traced. Having no marked degrees of wealth it is unusually democratic socially and public opinion is all powerful. Intellectual stagnation is apparently the keynote to present conditions. Small wonder the writer does not openly identify the place but the disguise is so thin that anyone at all curious will have little difficulty in identifying it.

Though the picture is not very agreeable, the writer is to be commended for making a definite study of a town whose story is apparently somewhat unique. We greatly need more such concrete studies of various communities.

SMITH, ADOLPHIE. *Monaco and Monte Carlo*. Pp. 477. Price, \$4.50. Philadelphia: J. B. Lippincott Company, 1912.

Exceptional opportunities for obtaining information and ability to impart it in semi-narrative make this book about one of the world's smallest states interesting. Every phase of the history of the five square miles of territory in the principality is covered from its mythology to the construction of the gaming tables and the gossip of famous visitors. The discussion of the scientific work of the Prince of Monaco and the workings of the microscopic government are the best portions of the book except for those whose interest lies in the history and present development of gambling. There are excellent illustrations.

STEVENS, W. S. *Industrial Combinations and Trusts*. Pp. xiv, 593. Price, \$2.00. New York: Macmillan Company, 1913.

The "trusts" have formed the subject of many volumes in the past, and to-day the greater part of these are unread, except by a very few. Since their time events have occurred which have discredited the theories advanced and facts have been disclosed which were previously unavailable. The descriptions we have of our industrial organizations also are usually but prefaces to some theories of the writers. Mr. Stevens has given us a book which outlines the history of "big business" in the United States in the most impartial and most accurate manner—through a presentation of copies of original documents—agreements, court decisions, statutes, dissolution plans, leases, and the testimony of prominent business men and others.



This volume covers the principal stages of development down to the end of 1911, and is edited with the objects of making source material available to the student and of providing the ordinary reader with a description of the historical development of the "trust" movement and its problems. This difficult task has been well performed, and the variety of exhibits, their arrangement and the explanatory head notes introducing the chapters, all give evidence of time and care expended in the production of this volume, which will prove a valuable aid to students of industrial affairs.

STREIGHTOFF, F. H. *The Distribution of Incomes in the United States*. Pp. 170. Price, \$1.50. New York: Longmans, Green & Co., 1912.

Although the author ends his book with the doleful statement that there is "a deplorable dearth of information" regarding the distribution of income in the United States, he nevertheless attempts to draw some conclusions which are in harmony with similar studies made here and abroad. In 1904, for example, he estimates that "at least half of the males aged sixteen or more, engaged in gainful occupations, were earning less than \$626 a year" (p. 152). Further than this, the study warrants no conclusion even where the author has attempted, as in the case of rural families, to estimate family income. The really valuable data regarding incomes are contained in the reports on wages. Other material is at best ill-adapted to the service of the statistician.

Chapter six on The Distribution of Wages is a splendid piece of statistical work; so much cannot be said for chapter seven on Incomes from Property. Despite the author's apology for using such inconsequential data, he shoots far beyond the mark in his attempted conclusions.

By way of practical suggestion, Dr. Streightoff proposes that two questions be added to the census returns. One a question to farm families regarding the rent paid or interest on mortgage; the other a question to non-agricultural households regarding the rent or rental value of the house occupied by the family. The statistical method by which the author would compute incomes from these rent figures is, to say the least, questionable. The statistical work of the book, with a few exceptions, is able. Tables are well constructed, and inferences are just.

SUFFERN AND SON. *Railroad Operating Costs*. Vol. II. Pp. 144. Price, \$2.00. New York: The Authors, 1912.

This volume is an amplification and extension of an initial volume of the same title published in 1911. It presents an analytical study, based chiefly on the railroad's annual report to the Interstate Commerce Commission, of the earnings, physical characteristics, equipment and operating expenses of the representative railroads of the United States. The main items of operating costs, maintenance of way and structures, maintenance of equipment, and transportation expenses are treated each as a whole, and in addition freight car maintenance, passenger car maintenance, locomotive maintenance and fuel costs are considered singly in separate chapters. The addition of these four special chapters and the use of statistics of a much greater number of railroads constitute the chief improvement of this publication over the previous one. The work excels as a compact and comprehensive digest of statistics relating to the operating expenses of the various rail-

roads considered. One of its chief merits lies in the manner in which its authors have shown the futility of attempting to use the statistical material, now furnished by railway companies to the Interstate Commerce Commission, as a basis for conclusions in regard to the comparative operating efficiency of different railway systems.

TARBELL, IDA M. *The Business of Being a Woman*. Pp. ix, 242. Price, \$1.25. New York: Macmillan Company, 1912.

Miss Tarbell in this volume bases her argument on the fundamental proposition that the chief business of a woman is to create a home—not only a physical home with all the machinery which this involves, but an atmosphere offering comfort and inspiration to all the inhabitants thereof. Miss Tarbell points out that every child needs a home, and that it is the business of every woman to provide either her own or someone else's children with this environment. Without minimizing the importance of professional labor for women, the author seeks to have ascribed to domestic labor the dignity which it has undoubtedly lost, and yet which belongs to it just as rightly as to any industrial or professional pursuit. She seeks to ennoble the business of a woman. The book is well written, is short and to the point, and thoroughly worth reading.

TAYLOR, C. K. *The Moral Education of School Children*. Pp. 77. Price, 75 cents. Philadelphia: The Author, 1912.

This little book is a new departure. It is not a theoretical discussion of the subject of Moral Education of Children. To one who loves to peruse a discussion of the training of an imaginary child under impossible conditions, the book will prove a disappointment. The author is a trained psychologist and tells in a plain, straight-forward manner, of the efforts he has made to develop the moral character of some real school children in Philadelphia. Realizing that the church is reluctantly admitting its inability to meet the situation and that the modern home is more or less incapable of solving the problem, the author believes that the public school is forced, by the conditions of modern life, to assume the responsibility of the child's fundamental moral training. He recognizes three forms of moral conduct: political morality, commercial morality and private morality. Mr. Taylor outlines the methods necessary to attain the three forms of morality. For example, he tells of the work of the Thomas Wood School, which selected a few rooms in a representative tenement house in its neighborhood and placed the furnishing and care of these rooms in the hands of the girls of the school. The children were taught by actual experience how to buy food for such a home and how to prepare it. They were also taught how to care for the babies and smaller children. Nearly all the moral problems of the home were made to center around this activity.

While similar efforts have been made elsewhere, the book marks a new epoch in the writing of books on morality. It will prove of great value to educators and parents who are seeking for some practical help in the solution of the question of moral education.

TURBA, GUSTAV. *Die Grundlagen des Pragmatischen Sanktion*. Pp. 484. Price, m. 8. Leipzig: Franz Deuticke, 1912.



WELLS, H. G., AND OTHERS. *Socialism and the Great State*. Pp. vi, 379. Price, \$2.00. New York: Harper & Brothers, 1912.

Aside from the fact that the title "Socialism and the Great State" is merely a cat's paw to draw shekels from the purses of a reluctant public, the book is worth the persual of any one not familiar with modern social thought or of any one interested in the individuals who have contributed to its nearly four hundred pages.

History, The Country Side, Labor, Science, Sanitation, Laws, Democracy, Women, Art, Religion, and Current Events are the topics discussed from an interesting variety of viewpoints by writers, most of whom enjoy a rare command of the English language. Furthermore, most of the essays represent something, since each writer stands more or less definitely for this proposition or for that one. Nevertheless, the book is not a good book because it lacks the fundamental coherence so essential to consecutive reading. It does not even possess the merits of a collection of essays all written from the same viewpoint. As an addition to a contemporary review of progressive thought, the collection of essays would be a striking success; as a book, they are an indifferent failure.

*Who's Who* (English) 1913. Pp. xxx, 2225. Price, \$3.00. New York: Macmillan Company, 1913.

*Who's Who in America*, Vol. VII, 1912-13. Pp. xxiv, 2640. Price, \$5.00. Chicago: A. N. Marquis & Co., 1912.

The most recent edition of this invaluable publication.

WILLIAMS, F. W. *Anson Burlingame and the First Chinese Mission to Foreign Powers*. Pp. x, 370. Price, \$2.00. New York: Chas. Scribner's Sons, 1912.

The purpose of the book is the vindication, to quote the author, "of a career and of an enterprise that were misconstrued by their own generation," and, for that matter, by succeeding generations as well. Professor Williams has ably handled the material bearing upon this unique period of modern Chinese history, and should convince the prejudiced that Burlingame was not a charlatan but an idealist, who, like most prophets, suffered under a cloud and was unjustly maligned. The author begins with an interesting sketch of Burlingame's previous career, then recounts his valuable services as American Minister at Peking and finally traces the inception of the mission and its progress through the United States, England, France, Prussia and Russia. It is clearly established that Burlingame was an honorable, high-minded man, a visionist imbued with great principles which, after the lapse of half a century, have become established through recent history. Unfortunately he was too early for his time, his ideas as to China's relations with the rest of the world being impossible of realization as each had to learn by bitter experience the lessons which have finally resulted in the Chinese Republic of to-day.

The book is well written, interesting throughout, bound and printed in an attractive manner and is prefaced by a portrait of Burlingame. A bibliography and index are added. Especially interesting are the many citations from contemporary letters and speeches, while the appendix, among other material, contains the treaty of 1868, the correspondence of Mr. Seward with Mr. Fish regarding Chinese affairs, and the invaluable "Note on Chinese Matters" by Sir Robert Hart.



## REVIEWS

BOAS, FRANZ. *The Mind of Primitive Man*. Pp. x, 294. Price, \$1.50. New York: Macmillan Company.

The author, the well-known Professor of Anthropology at Columbia University, has done a genuine service by this admirable summary of existing information with reference to human types. Dr. Boas shares the prevailing belief that racial differences are largely superficial. Perhaps he is open to the criticism that he too dogmatically asserts this superficiality instead of pleading ignorance. His positivism will do much however to shatter the belief of the layman that his own type is essentially superior to all others.

The opening chapter is headed *Racial Prejudices* and contains a brief survey of modern civilization and a discussion of brain differences. The second chapter takes up the *Influence of Environment from Human Types* in which we are shown how quickly the body reacts to various forms, exercise and occupation. Attention is called to the changes the author believes he has found among recent immigrants to America. Chapter III discusses the *Influence of Heredity* in interesting fashion leading to the conclusion that "The differences between different types of men are, on the whole, small as compared to the range of variation in each type."

The keynote to Chapter IV, *Mental Traits of Primitive Man*, lies in the statement that "there can be no doubt that in the main the mental characteristics of man are the same all over the world." Standards vary. We evaluate time highly—to primitive man it has little value—hence we easily conclude that the difference is physical, whereas in reality it is social. His standards are different, but he may hold to them quite as tenaciously as we do to our own. Lacking his viewpoint, it is hard for us to do him justice.

As regards race, language and culture we need not assume "that there has been at any time a close correlation between these three phenomena." If this be true, it is evident that most of the older schemes of classification of men are mistaken. Certain traits seem to be universal and may date back to the origin of mankind. On the other hand, customs spread with great rapidity—the culture of tobacco, cassava, corn for instance. Race contacts must be known if the culture is to be explained. In all this has there been an evolution? If so it is not always from the simple to the complex. Witness music and language. Various groups of the same races are on widely different culture levels.

Civilized man and primitive man have very different concepts. "What seem to us conditions of an object—like health and sickness—are considered by him as independent realities." Our own explanations seldom go to bottom of the matter. The tradition of primitive man is founded on crude experience,—ours is increasingly based on experiment. Hence our categories differ and our types of explanation vary. This whole chapter, *Some Traits of Primitive Culture*, is most suggestive.

The last chapter deals with *Race Problems in the United States*. The author believes "that the concern that is felt by many in regard to the continuance of

racial purity of our nation is to a great extent imaginary . . . ." "No evidence is available that would allow us to expect a lower status of the developing new types of America."

It would be well if every person now engaged in discussion of American problems would read and consider the valuable arguments here presented.

CARL KELSEY.

*University of Pennsylvania.*

BROCKWAY, Z. R. *Fifty Years of Prison Service*. Pp. xiii, 437. Price, \$2.00. New York: Charities Publication Committee, 1912.

This volume is a remarkable autobiographical story of a remarkable career. It is told in the straight-forward and convincing manner of a man who is conscious of a great mission; often misunderstood, sometimes maligned, but always conscious of great responsibility, and firm in the conviction that the cause to which he has conscientiously devoted his life will ultimately triumph.

To those who have observed Mr. Brockway's career and who have been thoughtful students of the revolutionary reforms in prison treatment which he instituted it is particularly interesting to peruse his narrative of the experiences which gave rise to his point of view.

He has sought in Part I to describe his own evolution. Incidents connected with his services in Westerfield Prison, Connecticut, Albany Penitentiary and Almshouse, Rochester Penitentiary and the Detroit House of Correction and Federal Prison, are related with a view, not only of describing the character of these institutions, but of revealing his own mental and religious development. His advocacy of the indeterminate sentence and the reform program are the outgrowth of his experiences. Part II is devoted to a description and explanation of Elmira Reformatory. Here he was able in twenty-five years to make practical demonstration of his theories which convinced the world of their practical utility. Out of experiences in dealing with federal prisoners in Detroit he arrived at the following conclusions: "That exercise of governing authority for the purpose of its own vindication is of doubtful use and very often harmful; that the assumption of individual moral accountability based on the doctrine of free volition is not always a justifiable assumption, but is often a fallacious view; and that for a reasoning intelligence, that which is reasonable may influence conduct more for moral rectitude than that which transcends the human reason, dwelling alone in the imagination" (p. 94). On the contrary, the formative value of good habits duly confirmed by the ennobling influence of established individual industrial efficiency far outweighs the value of retributive requital, moral maxims, personal persuasion or emotional evangelism. This principle he wrought into the Elmira plan and succeeded.

For those who will criticise the injection of the story of persecution and misrepresentation into the narrative, the sufficient answer will be that the book is an autobiography and not a mere treatment of the theory and practice of prison reform.

J. P. LICHTENBERGER.

*University of Pennsylvania.*



BRUÈRE, HENRY. *The New City Government*. Pp. xxii, 438. Price, \$1.50. New York: D. Appleton & Co., 1912.

This book supplements admirably the series of works on commission government that have appeared recently. It is the first attempt to apply the accepted standards of administrative efficiency to the commission system. One of the greatest difficulties with which municipal reformers have had to deal has been the deep-rooted belief of the American people that administrative efficiency can be secured through mere changes in governmental organization. The most unfortunate effect of this belief has been that every change in the form of city government has been followed by widespread disappointment because of the failure to secure the expected results. It seems a matter of very great difficulty to convince the American people that good government cannot be secured by a mere revision of city charters. As Mr. Bruère aptly says: "Modern progressive standards of municipal efficiency cannot be attained merely by the processes supplied by the commission plan. They demand a new social sense to animate the work of officials and to guide the purposes of citizens who control them; they require a new technique of service to augment returns obtainable from public expenditure. In attaining these standards commission government has at present an advantage over those cities which still suffer from political control. But this advantage will be lost unless the new government immediately avails itself of its special opportunity to make city government a progressive and efficient instrument for promoting community welfare."

The work contains the results of a survey of ten commission cities. This survey was intended to provide a fact basis for judgment regarding the general character of commission government administration. The investigation was conducted with great thoroughness and the results show that while the commission system has certain very definite advantages over the other forms of municipal government prevailing in the United States, because of the greater concentration and more definite determination of responsibility, the administration of the commission governed cities has been successful in proportion as they have applied the most advanced standards of administrative efficiency to the conduct of municipal departments.

Mr. Bruère's book when read in connection with Bradford's book on Commission Government and the special volumes on Commission Government issued by the National Municipal League, and by the American Academy of Political and Social Science gives to students of municipal government as well as to administrators ample basis for a judgment on the desirability of extending the commission system.

L. S. ROWE.

*University of Pennsylvania.*

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BRUÈRE, MARTHA B., and ROBERT W. *Increasing Home Efficiency*. Pp. 318. Price, \$1.50. New York: Macmillan Company, 1912.

This is a book for all educators, clergymen, social workers and business men. It is primarily addressed to the middle class. Beginning with the first chapter, the problem of a much-needed adjustment to new conditions is clearly brought



out. The authors devote chapters to What is a Home For? The Basis of Efficiency, Chance versus the Budget, First Aid to the Budget-Maker, Home Administration, The Home and the Market, Training the Consumer, Launching the Child, Savings and Efficiency. Some of the material in these chapters has been published in the various periodicals from time to time. The brilliancy of the authors' style and the sane social point of view set forth, should go towards popularizing budget making by families of the middle class.

From an analysis of seventy-six family budgets and other available data, the authors come to the conclusion that \$1,200 is the financial minimum for social efficiency for an American family consisting of father, mother, and three children under working age (p. 29). "No budget will make an income of less than \$1,000 enough for bare health and decency; it cannot spend one dollar twice" (p. 77).

In the chapter on the Cost of Children, the authors point out that an analysis of many budgets shows that costs "increase from \$100 for a child between three and five, to \$128 when the child is seven years old, \$180 when it is between ten and twelve, and \$212 when it is between fourteen and sixteen. They are based on the uncertain costs of middle-class standards, on the varying demands for health, and education, and a start in life" (p. 211).

The authors are constantly calling attention to the fact that brains and muscle as well as money outlay must be considered when one is discussing costs. The crux of the problem is significantly expressed when the authors state that "the most serious unanswered question in the development of home efficiency is—not whether people can afford to have children, but whether society can afford to have those people who are intelligent enough to count the cost, go without them" (p. 235).

The study is summed up thus: "So long as women do not do the work set for them to do, and men make business a gamble and a sport, our homes cannot be efficient. Business is woman's affair as much as man's. The home is man's affair as much as woman's. What we need to-day is the domestication of business and the socialization of the home" (p. 292).

The value of the book could have been greatly enhanced for the serious student of family budgets by a preface describing the methods employed in gathering and checking up the budgets. Furthermore, the appendix which contains an excellent tabulated summary of the seventy-six family budgets should also contain typical questionnaires sent out or used personally by the authors.

WILLIAM J. H. COTTON.

*University of Pennsylvania.*

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*The Catholic Encyclopedia.* Vols. XIII (pp. xv, 800) and XIV (pp. xv, 800). Price, \$6.00 each. New York: Robert Appleton Company, 1912.

A large number of articles of general interest find a place in these two volumes which discuss topics included alphabetically between Revelation and Simon. While it happens that those of a purely historical character are not numerous, several that come under this heading will repay serious consideration as giving the Church's interpretation of famous events. Such are M. Goyau's summing up of the French Revolution and Burton's English Revolution of 1688; St. Bar-

tholomew's Day; Savonarola and his reform agitation; the formation and history of the States of the Church and their final occupation by Italy; a sketch of the various Schisms in the Church, some twenty-three in number, with separate articles on the separation of the Eastern and Western Churches and on the Great Schism in the West in the fourteenth century. The thirty pages devoted to an account of the Society of Jesus is most acceptable, giving as it does the constitution and regulations of the Society, a sketch of each of its generals, a history of the Jesuits in each country where they have been established, a list of all their periodicals and the statistics of the Society for 1912. A section is devoted to examining and answering the various objections that have been raised to the Jesuits and a separate article discusses the Spiritual Exercises of St. Ignatius. The explanation of the reasons for the suppression of the society seems hardly adequate in that it scarcely does justice to the political considerations that lay back of the demand.

In Vol. XIII the word "Rome" gives rise to a number of interesting articles—Roman Colleges, Roman Congregations (that of the Propaganda being merely mentioned, as it was discussed separately in a previous volume), Roman Curia outside the regular Congregations, Roman Rite, and the topography, general history and present condition of the city itself together with its churches and monuments. Of the various races which find a place in these two volumes the Slavs offer most material of interest. After discussing the ethnic problems involved, a classification of the various Slavic peoples is given and the present condition is discussed of the Russians, Poles, Sorbs, Bohemians, Slovaks, Croats, Serbs and others scattered in various countries, and valuable information is given as to the Slavs in America—the numbers and distribution of the various branches of the race, their religious organization, economic condition, etc.

Among articles of a general character are especially to be noted Slavery, by Paul Allard, giving the Church's attitude to this institution in ancient and modern times; Schools, a general history of Catholic schools, with the policy and attitude of the church and the state regarding education, especially in the British Empire and the United States; Secret Societies, a sort of supplement to the earlier article on Free Masonry; Socialism, a general history of the movement in different countries with a criticism of its underlying spirit from a Catholic point of view showing its incompatibility with the theories of the church. This is followed by an excellent bibliography of both Catholic and socialistic writers on the history and doctrines of socialism. The attitude of the Catholic Church toward the state and toward modern thought is interestingly set forth in the articles on State and Church, Toleration, Science and the Church. In these it would appear that there has been no essential change from the medieval attitude except in so far as this has been necessitated by the changed conditions under which the church is obliged to carry on its work.

The biographical articles continue, as in earlier volumes, to be a feature of the encyclopædia. The number of sketches for which a place has been found is astonishing and the work is a storehouse of information about Catholics of all countries and times. The amount of space allotted to the various biographies is not, however, always in proportion to the importance of the subjects; as when



Chief Justice Taney is given more space than Talleyrand or Görres is allotted three columns while Tillemont is assigned scarcely more than half a column.

A. C. HOWLAND.

*University of Pennsylvania.*

COMAN, KATHARINE. *Economic Beginnings of the Far West*. Vols. I and II. Pp. xxviii, 868. Price, \$2.00 each. New York: Macmillan Company, 1912.

These volumes are the product of several years of investigation and research during which the author traversed much of the trans-Mississippi West and had access to the more important historical collections of that region. As a result of this travel and study we have here gathered together a great amount of data on the "Economic Beginnings of the Far West." The first volume is devoted to "Explorers and Colonizers," although it includes only a portion of the American colonization. In part I, The Spanish Occupation (1542-1846), the author, after introducing the well-known route to the Orient and telling of the Spanish search for the seven cities of Ciboba, proceeds to consider the colonization of Louisiana, Texas, New Mexico and California. Of the twenty-two pages devoted to Texas, one-half are given over to "the coming of the Americans," but this only to the beginnings of the "coming," for the American colonization of Texas comprises chapter IV of part III. Seventy-one pages describe the Spanish Occupation of California (1769-1840). Part II traces the Russian, English and Spanish explorations on the Northwest Coast and takes up on the western bank of the Mississippi the French, English and American search for the western sea. The remaining pages of this volume are given over to a résumé of the rise and decline of the fur trade, and these eighty-six pages justify the title of this ambitious work. In volume two the advance of the settlers into Missouri, Iowa, and Texas is discussed as a preliminary to the transcontinental migration which results in the acquisition of Oregon and the conquest of California. Dropping for a time the consideration of these movements achieved by the "desire to better material conditions," Miss Coman presents an excellent chapter on the Mormon migration. The economic beginnings of these pilgrims are brought with particular clearness before our eyes. As in the portion devoted to the Spanish occupation the most thorough discussion of this volume is of California. Forty-two pages are then given over to what is termed "Free Land and Free Labor" in which we are plunged rather abruptly into a discussion of slavery as an economic factor and which includes a rapid summary of the political developments in reference to the settlement of the territories. The volume concludes with brief reference to the Pacific Railway and the Homestead Act.

The reader is impressed with the variety of material drawn upon, but in lieu of footnotes he finds that the numeral at the end of quotation or extract refers to a note amid a mass of notes placed between the pages of the text and the bibliography. These numerals run as high as sixty-nine in chapter three of the second volume and when one finds no chapter references at page headings and of necessity must turn forward to discover chapter number (being careful also to note the part) before he may turn back to read the more extended extract or to discover the authority, he is tempted to believe that the notes were not intended



for use. There are thirty-one pages of these notes, in close print, and it is a pity that this valuable part of the work should be so inaccessible.

There is an extensive bibliography which impresses one with the wealth of material at hand to write the history of the trans-Mississippi region. The omission of the publications of the Texas Historical Association is marked. On page 350 of volume two the reference to Pierce should be, of course, to Buchanan; on page 246, the date of the Bear Flag raising 1846 instead of June 15, 1848.

Miss Coman has done a real service in compiling this information of the trans-Mississippi West and in placing it in such a readable shape. The work should have a wide appeal. The style is simple, the narrative easy-flowing, and the most involved of the topics are developed with the skill of an unusual teacher. In spite of the rather extended consideration of diplomatic and political developments the author disclaims any intention of deciding the merits of the struggles, preferring "to suggest the underlying economic conditions that determined the outcome of war and treaty and race competition." We have here an extended compilation of what the men who explored and colonized thought of the country and of their work. Pages of extract from journal, diary, letter and report are evidence of this. For an exhaustive treatment and a satisfactory interpretation of the various parts of this extensive field we must turn as before to the work of the scholars who are searching each for his own section. This does not in any sense detract from the value of these volumes in fulfilling the purpose for which they were apparently intended. The work is profusely illustrated.

EDGAR E. ROBINSON.

*Leland Stanford Junior University.*

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D'OLLONE, V. *In Forbidden China*. Pp. 318. Price, \$3.50. Boston: Small, Maynard & Co., 1912. Koo, VI K. W. *The Status of Aliens in China*. Pp. 359. Price, \$2.50. New York: Longmans, Green & Co., 1912.

Few books of travel and exploration reach the standard here maintained. The D'Ollone mission in the years 1906-09 visited some of the still unexplored regions of China, Tibet, and Turkestan.

Only a portion of the itinerary is described in detail. The experiences in the country of the Lolos tribes still independent of Chinese authority in the region north of Tonkin and south of Tibet, and in crossing unexplored territory in the latter country, occupy all except a few chapters on Szuechen, the great central province of China, and recounting briefly the return of the head of the mission eastward toward the coast. Though traveling through territories uniformly reported as hostile, with one exception the mission at no time came to blows with the inhabitants. Diplomacy proved mightier than the sword. The descriptions of tropic forests, rivers which disappear into the earth to emerge again at great distances, rugged mountains, almost impenetrable jungles and marshes, tribal wars, the life of the nomad tribes, native religions, architecture, sculpture, arts and crafts, social customs, and religious sects are all done in a way which holds the reader's interest. Large numbers of people are shown to be living in true feudal conditions in interior China, many of the tribes are distinctly non-Chinese, and the connections of many, the evidence seems to show, must have been with

the west not with the east. Of course for the scientific conclusions the reader must wait until the deciphering of the rubbings of inscriptions, the translations of the native manuscripts and the comparison of other data secured, have made possible the publication of the complete report.

Mr. Koo's monograph gives the most extended account which has yet appeared on the position of aliens in China. Most of his material is drawn from publications in English including the Foreign Relations of the United States, the British and Foreign State Papers, and the numerous secondary works on China. Dependence on the latter is especially pronounced in the first section, though some of the most important, such as Hinckley's "American Consular Jurisdiction in the Orient," and the voluminous material on early European Relations with China contained in Blair and Robertson's volumes on "The Philippines" are not used.

The second part of the work dealing with the period since 1842 is much the more valuable. Naturally the chief thesis concerns the origin of extra-territorial rights. Mr. Koo shows in detail the reasons for holding that the idea of law as an attribute of persons was never accepted by China, that territorial sovereignty was always the basis of her law and that the few early and many later exceptions to the rule are explained by the peculiar circumstances of compulsion followed by the development of custom, both in contradiction of the will of the government. Next the extent to which extra-territorial rights have arisen by treaty grant is reviewed, and the degree of protection granted. The desire of foreign governments to extend the privileges is criticised. The chapters on the position of the alien merchant in interior China and on the rights of missionaries deal with material not previously used in English discussions.

There is no bibliography and the index is inadequate.

CHESTER LLOYD JONES.

*University of Wisconsin.*

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DROEGE, JOHN A. *Freight Terminals and Trains*. Pp. vii, 465. Price, \$5.00. New York: McGraw-Hill Book Company, 1912.

Few industries can compare with the American railway freight service in multiplicity of detail, complexity of organization, diversity of kinds of labor employed, extent and variety of physical equipment used, or volume of business annually transacted. Mr. Droege's long and successful career in positions where he has been compelled to grapple with every variety of the innumerable problems of the railroad operating official, renders him eminently qualified to deal with the subject of the freight service in an intelligent and comprehensive manner, and from his large fund of information secured in years of experience, observation and study he has drawn the material for this extremely valuable and interesting work.

The construction, maintenance and operation of the freight yard, which is the most essential factor in the expeditious and economical movement of traffic, the details of freight house building, arrangements and equipment, the work of the freight house force, and the work of the mechanical department in its important function of caring for the motive power at the engine terminals, are the subjects with which Mr. Droege deals most thoroughly and effectively. Special chapters



are devoted to such important topics as time freight service, team delivery yards, loading cars, making up trains, weighing freight, refrigerating, ventilating and heating; three especially good chapters describe the special terminal facilities employed in the handling of coal, ore, lumber and grain; and one chapter (written by Professor Cunningham of Harvard University) gives a brief account of the British freight service. That Mr. Droege appreciates the weight of the personal equation as a factor in railroad work is proved by the interesting chapters on the yardmaster, on the engine-house foreman, and on management and discipline in general. The only part of the freight service which is not described is the despatching of trains and the control of their movements between terminals. A chapter on this important phase of operation would have been a valuable addition to the volume.

A discussion of construction, maintenance and operating costs occupies a prominent place in every chapter dealing with the physical equipment, and the numerous comparisons of the efficiency and economies of various types of methods and devices employed in handling freight traffic should prove of great use to railway officials, whom the stress of competition and the pressure of public sentiment in favor of reduced rates compel to be constantly on the watch for any and every available means of cutting operating expenses.

Though the volume is intended primarily for persons engaged in railroad service, it should be of great value to students of transportation, and it contains much of interest to the general reader. The organization of the book is not as good as it might be, a few of the chapters being manifestly out of their logical position. The two dealing with loading-cars and team-delivery tracks belong most naturally in the group treating of freight-house construction and operation, and we can see little reason for sandwiching the chapter on the British freight service between those on American freight houses and transfer stations.

T. W. VAN METRE.

*University of Pennsylvania.*

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DUNLOP, J., and DENMAN, R. D. *English Apprenticeship and Child Labor—A History.* Pp. 390. Price, \$3.00. New York: Macmillan Company, 1912.

As the need of industrial training has been shown, it has been realized that careful study of the old apprenticeship system was necessary. Under changed economic conditions we are attempting to develop methods by which we may give to the coming generation the valuable training that was a definite part of apprenticeship. The authors of this book, by careful and thorough study of Gild and town records, manuscript indentures, and parliamentary acts have shown us much. "In Mediæval England children were employed as freely and at as early an age as ever they have been under the factory system" (p. 15). The apprenticeship system, although there may have been much to criticise in the treatment of the child, provided education for his trade and for citizenship. It provided adequate supervision while he was learning and definite occupation when the training was finished. His choice of occupation was carefully considered and he seldom failed to finish his trade education. The problem of early employment and of long hours was not changed by the factory system, it was definitely centralized and thrown



into publicity (p. 304). The Gilds, although long supported by governmental authority, were destined to fall because of the pressure of capitalistic production and because of their abuse of power.

The question to-day is, "How may the training of the old apprenticeship system be introduced into present-day industry?" The answer suggested is, "by the raising of the school age, the creation of compulsory continuation classes, and the further regulation of employment out of school hours . . ." (p. 350). This volume, which is the most valuable recent publication on the subject, will undoubtedly greatly help in the reform of the conditions surrounding child labor.

ALEXANDER FLEISHER.

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FISHER, IRVING. *Elementary Principles of Economics*. Pp. xxviii, 531. Price, \$2.00. New York: Macmillan Company, 1912.

A remarkable volume in several respects, its chief characteristic being the novel policy and method in subdividing the field of study. In his preface, the author makes clear his attitude anent the pedagogical ideal as far as economic study is concerned, and though he may not convince all, he undoubtedly clarifies many disputed points by his lucid and trenchant arguments. His point—as to the use of business terms and familiar phrases—is singularly well taken. On the other hand, though his thesis that diagrammatic interpretation *per se* is logical (because familiar) carries conviction, his own choice of diagrams is not above question. Again, the omission of problem solutions seems open to some doubt, since the science of economics is essentially a dynamic one that is enriched and clarified by the pronouncements of its apostles. Using the author's own viewpoint that an elementary text-book should "concern itself with economic principles, not their applications"—it seems only reasonable to follow condition with readjustment.

The familiar topics of production, exchange, distribution and consumption are not treated as such but woven skilfully into the fabric of his own original mosaic of economic thought. The logical and historical methods are thrown overboard in favor of the pedagogical, a method that leads "from familiar to unfamiliar." Its object is to economically rationalize the ideas already in the mind of the student and to successfully combat the misconceptions in regard to every-day economic processes. Thus, the entire field is viewed from the angle of money and price concepts. The social studies on such subjects as child labor, industrial organization and monopolies, usually found under separate headings, are omitted and their existence is noted in connection with financial matters. Of special note, are his chapters on Property, Capitalizing Income, Impatience for Income the Basis of Interest, and Wealth and Welfare. In each of these, the psychologico-philosophical attitude of interpretation is particularly marked, the discussion of impatience as the basis of interest being noteworthy. His treatment of income from capital and income from labor is ingenious but not satisfying, the absence of any well-defined concept of distribution and consumption marring the general impression. Finally, his résumé of the relation of wealth to welfare seems vague, since only general conclusions are reached, and these in a manner not calculated to bring universal conviction. A curious turn is given to this subject

by the introduction of the psychological effect of vanity, a good instance of the trend of thought throughout.

Looking at the text-book as a whole, it seems to suffer largely from its omissions of starting-points commonly accepted as being vital. It is difficult to get the social point of view of the whole economic field, and as a groundwork of dynamic economic theory, the volume would have to be correlated with reference reading of large scope. On the contrary, it has exceptional merit in its treatment of income, prices and theories of money, and as a whole represents a scholarly attempt to break down the common tradition of distrust against economic study.

C. LINN SEILER.

*Philadelphia.*

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FISHER, IRVING, *et al.* *How to Invest When Prices are Rising.* Pp. 144. Price, \$1.00. Scranton: G. Lynn Summer & Co., 1912.

The sub-title of this volume is "A Scientific Method of Providing for the Increasing Cost of Living." It is a collection of papers by seven financial experts who are exponents of the quantity theory of money and believe that the investor of to-day should avoid long-term bonds and instead purchase stocks. The present rise in prices is due primarily to the increased world output of gold and will probably continue for some years longer. Bonds yield a fixed annual return and as prices rise the bondholder receives through interest payments and at maturity in the return of his principal a greatly reduced purchasing power. Unless the bonds mature in a short time and reinvestment on better terms is possible, bonds should be avoided.

The stockholder, however, is a part owner of the corporation and as such shares in its earnings which tend to increase each year as prices rise. If the stocks are carefully chosen they are thus a better security as prices rise, while bonds are better when prices are falling. But the purchase of stocks introduces an element of risk, and the investor should insist on bonds with a stock bonus, the bonds guarding him against the loss of his nominal principal and interest, while the stock makes it possible for him to share in the company's earnings and so protects him as prices rise. The same result may be secured by the purchase of bonds convertible into stock.

This argument is clearly presented and is supported by carefully gathered statistics on all points of importance. Only one or two matters call for special comment. In this, as in most of the current discussions of the relation of increased gold production to rising prices, too little space is given to the part played by the development of credit. Also more consideration should be granted to the possibility of an increase in production from the application of scientific methods in business and in agriculture. Perhaps any development in this direction will be more than offset by other influences, but there has not yet been a sufficiently careful analysis of it. It is entirely probable that development of these two points would not alter the conclusion that prices will continue to rise and that the increased output of gold is one of the leading causes. Nor would it change the main contention of the book that in a period of rising prices the bondholder suffers a depreciation in his investment.



It would certainly be difficult to refute the conclusions presented. Yet one can not but wonder as to the effect of the argument on the average investor who seldom investigates the company whose securities he buys and one of whose chief safeguards is his prejudice in favor of bonds and against stocks. Only too many speculative enterprises are now offering their bonds with a stock bonus and as yet most of the gilt-edged bonds may be marketed without the addition of this inducement. On the whole, however, the book is a valuable and welcome addition to the list of works that treat in a careful manner the principles to be followed in practical business.

E. M. PATTERSON.

*University of Pennsylvania.*

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*Flood Commission, Pittsburgh, Report of the, 1911.* Pp. 705, 117 maps and diagrams. Price, \$10.00. Pittsburgh, Pa.: Flood Commission, 1912.

The City of Pittsburgh, visited during the past decade by twenty-two destructive floods involving a direct loss of over \$12,000,000, has now seriously directed its attention to the subject of flood control and prevention. The report of its Flood Commission, recently made public, is the most complete and comprehensive discussion of the subject of river control that has been made in the United States, if not, indeed, in any country. The large volume containing the report represents an expenditure by the Commission of \$124,000 in investigations and surveys. Not only has the Pittsburgh district been thoroughly surveyed and mapped, but members of the Commission and their engineers have visited many European countries to examine foreign methods of river regulation and control.

The report itself occupies about one-half of the volume. Its twelve chapters deal with such topics as the Allegheny and Monongahela Drainage Basins; Floods and Flood Damage at Pittsburgh and along the rivers; Methods of Flood Relief; Flood Protection; Storage Reservoirs; Relation of Storage Reservoirs to Navigation, Sanitation, Water Supply, and Water Power. The Commission recommends as a means of preventing further flood damage at Pittsburgh a combination of Flood Protection and Flood Prevention—namely, the construction of seventeen large storage reservoirs at the headwaters of the rivers, and the building of low walls along the low lying portions of the water front at Pittsburgh. The former will care for all but the very highest floods, while the latter will be much cheaper than the building of additional storage reservoirs that would completely hold the flood waters, and will at the same time protect the city from the highest floods and improve the appearance and usefulness of the waterfront. The total net cost is estimated at about \$20,000,000.

The various appendices, which take up the second half of the volume, discuss Forest Conditions in the Allegheny and Monongahela Basins, Stream Flow, Methods of Flood Relief in Foreign Countries and give a complete bibliography of flood literature. The volume is profusely illustrated with photographs, maps and diagrams. The report is the most valuable source of information available for problems connected with the conservation of streams.

G. B. ROORBACH.

*University of Pennsylvania.*



HERSHEY, AMOS S. *The Essentials of International Public Law*. Pp. xlviii, 558. Price, \$3.00. New York: Macmillan Company, 1912.

The question why, in view of the existence of excellent new manuals on the essentials of international law, this book also should have been published may well arise in the mind of reviewer and reader. Its author does not raise or answer this question, but in his short preface may be found an implied *raison d'être*; namely, that it is designed to fulfil the needs of both student and teacher, both specialist and general public; also, that it is based upon modern or contemporary, as distinguished from the older, sources and authorities, and upon monographs and periodical contributions to the science, as well as upon more elaborate or general treatises.

More than half of the fifty-eight introductory pages are devoted to a list—without bibliographical comment—of treatises, monographs, and periodical literature, ranging from "American State Papers, in 38 v." to "T. E. Holland's Letters to the *Times*," including references to English, French and German publications, with a few in Latin, Italian and Spanish; citing authors as far apart as Manu and Carnegie; and comprising titles in politics, ethics, sociology and history. Why so many and so dissimilar references to general history are given in this list does not appear, unless it be for the reason that the author's own historical knowledge is based upon precisely these treatises. "Breasted's Ancient Records of Egypt in 5 v.," "E. A. Budge's History of Egypt, in 8 v.," Herodotus, Aristotle, Polybius, Diodorus Siculus, Strabo, Thucydides and Xenophon are in strange company with some secondary compilations on mediæval or modern history, and can be of no more service to the student of the essentials of international law than are "Macaulay's History of England, in 5 v.," "Milman's History of Latin Christianity, in 8 v.," or "Petrie's History of Egypt, in 6 v.," which are also cited. It is doubtful, also, if the mere listing of *Atlantic Monthly*, *Green Bag*, *London Times*, and nine other periodicals, serves any useful purpose; while there is no doubt whatever that a carefully selected and well classified list of "authorities," with brief and illuminating characterizations of each, would be of far more service to the student of essentials. This defect is partially remedied by a brief "bibliography" which follows each chapter, and which appears in the footnotes.

The "Table of Cases," filling seven of the introductory pages and including the names of nearly three hundred cases, gives one or two useful references for each case, and—what is by no means always done in such tables, but is very desirable—cites the page in the text on which each case is briefly discussed. To find this murmur in the index become at least mild thunder in the text is reassuring.

Turning to the body of the work itself, we find the sense of proportion well observed, about ten per cent of the space being devoted to the law of neutrality, twenty per cent to the law of war, twenty per cent to the definitions, sources and history of the science, and fifty per cent to the law of peace. This distribution of space is in marked and favorable contrast with that of Professor Lawrence's "Principles," for example, which devotes nearly as much space to the law of war as to the law of peace. On the other hand, the author's treatment of the law of neutrality may well be criticised as rather inadequate, being in quantity alone

only forty per cent of Professor Lawrence's treatment of that subject, and sixty per cent of Wilson and Tucker's. In point of length, Professor Hershey's book is perhaps a golden mean between the two manuals just mentioned, being twenty per cent longer than the latter, and ten per cent shorter than the former. The footnotes which enrich every page of the text might be regarded at first sight as a burden and obstacle to the student; but they are defended by the author on the ground that they "furnish bibliographical and other data for a more extended study, and provide an additional text for a longer course than is commonly given."

The prime excellence of this text-book is its concreteness: it avoids the realm of the abstract and the metaphysical, and constantly illustrates and reenforces its statements of rules and definitions by reference to actual incidents which have occurred in the intercourse of nations and which have received, for the most part, adjudication at the hands of courts of law. The fruitful work of the conferences at The Hague has been well utilized and emphasized, although the truly revolutionary character of that work has not been entirely appreciated by the author, whose training naturally leads to some prejudice in favor of the "old-time" methods and discussions which antedated 1899. Illustrations of the law of war and of neutrality, afforded by recent wars, and especially by the Russo-Japanese war, are used to good purpose by the author, who has published a very creditable treatise on "The International Law and Diplomacy of the Russo-Japanese War."

Teachers at least will warmly welcome this new text-book; for it represents one more experiment which may be tried with much promise of success upon the callow youth of our American colleges and universities, whose minds need supremely at this crisis in the world's progress to be cudgelled into an understanding and appreciation of the present duties of the new internationalism and of its potential development with which the master-minds of the nations are travelling.

WM. I. HULL.

*Swarthmore College.*

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INNES, ARTHUR D. *England's Industrial Development*. Pp. xvi, 374. Price, \$1.60. New York: Macmillan Company, 1912.

"It has been my aim in this work," says Mr. Innes, "to interest the ordinary reader in a subject which is commonly regarded as a dreary one." In the accomplishment of this difficult task, Mr. Innes has achieved an unusual degree of success. His "ordinary reader," however, is a somewhat different person from the reader to whom similar books are addressed in this country. A maturity of mind and an acquaintance with history are assumed which writers in this country seldom expect of their readers. Their books are professedly prepared for use in class, and the atmosphere of the class room dominates the "text." Mr. Innes writes for an educated person who does not happen to be particularly well read in industrial history, or for the student who is familiar with the critical literature but desires to review the subject comprehensively to be sure of his general perspective.



The narrative is divided into three general periods: the Middle Ages, the Mercantile Period, and the Industrial Era. Events are treated with a fine sense of proportion, and the character and movement of each period are described in well chosen phrases that will be suggestive to any reader. None of the difficult historical problems is evaded, not even the problems of the growth of the manor and the history of villeinage. Mr. Innes displays a thorough knowledge of the critical literature and states the essential features of these problems with refreshing clarity. The Mercantile Period, from the accession of Henry VII, to the middle of the eighteenth century, is well handled. The growth of the domestic system, the decline of the craft-gilds, the enclosures, the development of commerce are all suggestively treated.

The Industrial Era is less adequately described. The proportion of events is not so well preserved, nor the critical literature so closely followed. Factory legislation and the trade union movement receive more attention than they deserve, and the actual industrial development of the nineteenth century is scarcely mentioned. For these deficiencies, however, Mr. Innes is hardly to be criticised; his narrative merely brings to light the disproportionate emphasis that has been given to certain topics in recent industrial history. The chapter on the Agricultural Revolution, indeed, is not entirely abreast of recent literature, but the changes in the chronology of the history of the yeoman can hardly be said to dominate the critical writing of the present time. It is, however, a serious reflection upon the adequacy of the literature on the subject, that Mr. Innes should not feel the necessity of alluding to the Bessemer inventions, the spread of the factory system between 1800 and 1850, and the more general features of the development of the existing system of railways. The records of these events are still confined to an unwieldy special literature and the voluminous Blue Books.

ABBOTT PAYSON USHER.

Cornell University.

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INTERNATIONAL COMMISSION OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS.  
(Ed.). *The Country Church and Rural Welfare*. Pp. 152. Price, \$1.00.  
New York: Association Press, 1912.

A series of quotations from the opinions of the most prominent workers and thinkers of the Rural Church Problem of the present day. The topics discussed are:  
1. Is the Fundamental Function of the Rural Church Theological or Sociological?  
2. Standards of Religious Teaching. 3. The Church Itself. 4. The School.  
5. The Grange. 6. The Church and the Farmers' Institute. 7. Leadership.  
The opinions quoted on each of these questions are the opinions of men like Rev. Wilbert Anderson, Rev. Warren H. Wilson, Prof. G. Walter Fiske, President Kenyon L. Butterfield, Rev. Mathew B. McNutt, Hon. John Hamilton, Secretary Willet M. Hays, and others as well known. The conclusions reached will be helpful to any rural pastor who is anxious to inform himself of the best thought on this vexed problem.

Some opinions expressed on such questions as the relations of the Country Church and the grange are well worth quoting as guides to those who have felt that the grange was inimical to the church. President Butterfield points out that



the two can work side by side, the grange having as its chief function, educational work and the church if it is alive to its mission, having as its chief function religious and social work. If one is inactive and the other active each can to a certain extent do the work of the other. Certainly the church in several instances has greatly assisted in the revival of the grange. The erroneous idea which has taken hold of the minds of some people that societies with a ritual such as the grange has, can take the place of the church is met in this way. "Anybody who knows about the grange work knows that it has a moral purpose, its ritual being permeated with moral and religious thought; and a man cannot be a member of a grange who is at all sensitive to spiritual things without feeling that underlying it all there is a great spiritual idea. But no level-headed person believes that the grange can take the place of the church."

The cooperation of the church with the farmer's institute is touched upon in the chapter on The Farmer's Institute, and it is worth noting that the institute offers to all denominations a common meeting-ground and can be promoted without arousing sect prejudice. The institute rightly developed is one great means toward rural community building—the church is another. Each can work to promote the work of the other without overlapping.

In conclusion the book states "that the fact that the discussion has been brought about under the auspices of a specific department of the Young Men's Christian Association indicates that the church for some reason has not adequately fulfilled this function, a fact so frankly conceded by most of the writers. It should be stated, however, at the outset, that while some justly keen criticisms of the church's methods (or lack of methods) in this field have been presented, yet on the whole there is manifest a sincere desire to help the church to master its problem in the rural districts." And this may truly be said to be the object of the book.

Even after much information has been circulated concerning the reasons why the rural church is as it is, even after several years of ever growing evidence that not one but all rural communities are suffering from stagnation in church work, there still exist pastors who have not recognized the symptoms in their own communities as pathological, there still exist convocations which ignore the rural church problem and give it no consideration at their annual conferences. To all such this little book "The Country Church and Rural Welfare," may be the beginning of wisdom and may open the minds of our pastors and religious teachers to the fact that there is a Country Church Problem.

EDITH ELLICOTT SMITH.

Pennsdale, Pa.

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KNOEPPPEL, C. E. *Maximum Production in Machine Shop and Foundry*. Pp. v, 365. Price, \$2.50. New York: Engineering Magazine.

Knoeppel's *Maximum Production* is based on articles that appeared in the *Engineering Magazine* between October, 1908 and May, 1911, but for publication in book form these articles have been "resurveyed, rearranged and largely recast," with the result of satisfactory continuity and logical treatment.

The first seven chapters, although they deal primarily with foundries and machine shops, contain much material applicable to manufacturing plants in

general; beginning with chapter viii, the book treats of foundry practice in particular. Efficient organization, cost keeping and other accounting problems, routing, stock keeping, prompt deliveries, and analysis of operations are among the topics treated.

Although valuable and suggestive, especially to foundry men, this book can not be considered an important contribution to the science of management. The writer belongs to the Harrington Emerson school of efficiency engineers; he apparently believes in time-studies as a means of determining standards, and in bonus or premium methods of wage payment, but nowhere does he discuss these matters, or give the results of their use in foundries or machine shops. The treatment of accounting problems, which is elementary, serves a useful purpose, as, for instance, in the discussion of depreciation in chapter iii. The distribution of foundry expense burden is treated at length: apportionment on the basis of "direct labor" is proved to be far better than on the basis of "tonnage," but a combination of the two, with some elements of expense burden distributed on each basis, is shown to be preferable. The reasoning is conclusive, but inasmuch as foundry production is comparatively simple, the argument offers little help to cost accountants who are struggling with more intricate problems. The book is of value principally in pointing out the need of better methods in general, and in the very excellent analysis and recommendations for the improvement of foundry practice, which is really the main purpose of the book.

L. D. H. WELD.

*University of Minnesota.*

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LYON, W. H. *Capitalization*. Pp. xi, 296. Price, \$2.00. Boston: Houghton, Mifflin Company, 1912.

This latest contribution to corporation finance is unquestionably a valuable addition to that subject. In chapter i on "The Instruments," Mr. Lyon sounds the keynote of the volume in stating that the various forms of corporation securities are largely determined by "the desire to apportion the elements of risk, income, and control involved in an enterprise" (p. 2).

The two most interesting chapters of the volume are the second and third. In the second, entitled "Trading on the Equity," the term equity is used as meaning "any ownership in a property that assumes a larger risk than some other interest." Safety or danger in the "equity" depends upon the interplaying relations of gross income, operating expenses, and interest charges, and the range of fluctuations of "gross" and "operating." This gives rise to two different kinds of risk; the "business risk," which depends upon "the amount and range of fluctuation of gross income in relation to the amount and range of fluctuation of the percentage of the gross income used in operating expenses," and the "financial risk," which depends upon the fluctuation of net earnings in relation to the amount that interest charges consume (p. 54). The character of the equity is then discussed upon this analytical basis with the use of mathematical examples and numerous illustrative references to the securities of particular corporations.



Even more interesting than the second chapter is the third on "Watered Stock." In essence this chapter is nothing more nor less than a defense of that much maligned device of the financial world. The basis of the defense may be found in a sentence in the author's own words:

"Watered stock can take a very useful and entirely proper part in corporation finance through affording a still further means than those dealt with in the earlier chapters of effecting divisions and recombinations of the incidents of ownership—income, control, and risk" (p. 88).

Regarding the other chapters, chapter v on Amortization discusses the subject under the heads of serial repayment, sinking fund, purchase of own securities and purchase of other securities than its own. These plans are tested by a set of six questions too long to be enumerated but which as applied to the methods mentioned furnishes the basis for a comprehensive and enlightening discussion. Chapter vi on Form deals with such considerations as Interest Rate, Term, Right to Redeem, Interest Dates, Domicile, etc. Chapter vii, The Market and the Price, treats as the title indicates of market conditions. The final chapter, Capitalization and the State, discusses at length the bases of state regulation, theories of capitalization and, specifically, the attitude of several states.

So much may be said for the substance of the volume. To the reviewer the book appears to be as good if not a better treatment of investments than it is of corporation finance. Any volume which discusses so comprehensively the distribution of the elements of risk, income and control with the citation of scores of illustrations taken from the issues of well-known corporations can be studied with great profit by the average investor. The reviewer has only one adverse criticism. This is that the discussion of watered stock throws too far into the background the fact that issues of this type are only too often not governed by the considerations mentioned by Mr. Lyon.

WILLIAM S. STEVENS.

*Columbia University.*

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McCONNELL, ROY M. *Criminal Responsibility and Social Restraint*. Pp. 339. Price, \$1.50. New York: Charles Scribner's Sons, 1912.

"Society has schools for the ignorant. It has accident stations, ambulance corps, dispensaries, and hospitals for the injured and diseased. It has special educational institutions for the feeble-minded, the blind, the deaf, and the dumb. It has homes for the aged, the infirm and the incapacitated. It has asylums and hospitals for the epileptic and the insane. But for the criminals, society has detective agencies, bureaus of criminal identification, police, judges, jailers, and executioners, houses of correction, penal colonies, jails, penitentiaries, the gallows, and the electric chair." In this piquant fashion the author raises the question of the different basis of treatment. The explanation is to be found in the current theories of criminality, viz., that crime is the deliberate choice of evil on the part of a free moral being, and as such it must be punished.

Part I of the book discusses the aim of Punishment for Expiation, for Retribution, for Deterrence and for Reformation. The demerits, and above all,



the inadequacy of each and all are exhibited because of the false basis upon which they rest. Social utility alone justifies punishment and this requires that punishment shall be resolved essentially into prevention and treatment.

Parts II and III on "Freedom in Crime" and "Responsibility for Crime" contain the main thesis of the book. The argument is a thorough going defense of determinism in the realm of thought, feeling, and volition. Present-day psychology, the author declares, "does not admit the existence of such entities as 'the will,' which wills, 'the intellect,' which thinks, and 'the sensibility' which feels—as it were, three persons within one person. It recognizes only distinct processes, elementary and compound. And no one of these—whether it be a feeling-process, or a thought-process, or a volition process—is properly called 'free.'" This argument is elaborated and elucidated with fine logical insight. It places the whole subject of individual action upon a definite, concrete and analyzable basis and renders it a fit subject of scientific treatment.

Conduct then—criminal conduct—is not predestined and it is not free; it is determined—it is result.

The book contains the most clear, logical and adequate argument yet presented as a basis for the work of the modern school of criminology. Punishment, if we still prefer to use that term, in order to be of value must be adjusted, not to the crime but to the criminal and the form which it will take will more and more come to conform to the treatment of the sick, the injured and the mentally defective.

The style of the writer is clear and forcible. The vocabulary is non-technical so that the laymen will read it with the facility of the scholar. It is destined to become a classic in the literature of the scientific school of criminology.

J. P. LICHTENBERGER.

*University of Pennsylvania.*

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MAHAN, A. T. *Armaments and Arbitration*. Pp. 259. Price, \$1.40. New York: Harper & Brothers, 1912.

Under this title our most distinguished authority on sea power gathers a series of articles chiefly contributed to the *North American Review* during 1911 and 1912. Only the first six chapters fall under the general title. In these the main thesis is that force is still the chief factor in settling international conflicts. But the possession of might and its use do not necessarily connote a lack of high motives. Arbitration may be an acceptable means of settling disputes where the issue is purely one of law but this is the case in few important international disagreements. The chances of fair settlement are greater the author maintains where the "give and take" procedure of diplomacy is relied upon rather than the dry legalistic methods of arbitration. Matters of national honor should therefore not be included in an unlimited arbitration agreement. These often involve conditions upon which law gives no rule which would promote justice. Judged by the strict rule of law, the author asks, what would have become of an arbitration between the United States and Spain concerning Cuba or a dispute with any European power concerning the Monroe Doctrine. The argument is enforced by a rigorous testing of the principles laid down by applying

them to the facts of our great national crises and international events of the present time.

In the latter part of the book two chapters are devoted to the changes in sea power especially as affecting the United States, which will follow the opening of the Panama Canal, and to an argument for fortifying the waterway. Another discusses the methods by which young officers are trained in the "war game" at the naval war college. The closing essay is a vigorous defense of the action of the United States at the time of the Panama revolution. Though the book lacks unity, as is to be expected in a work made up of articles originally unrelated, it is an excellent exposition of the point of view of an eminent man of military training and ideals toward the Peace Movement.

CHESTER LLOYD JONES.

*University of Wisconsin.*

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MONROE, PAUL (Ed.). *A Cyclopedia of Education*. Vol. III. Pp. xi, 682. Price, \$5.00. New York: Macmillan Company, 1912.

This volume, going from *Gai* to *Lib*, covers a number of important studies and educational themes, such as geometry, geography, Greek, history, household arts, industrial education, kindergarten and Latin.

The treatment of most of these is so good that one can but wish that it were better. We hear much of the past and present, it is true, but there is not much that points to the future. Foster Watson, for example, gives us the history of Latin grammar, and Lodge discusses the methods of teaching the subject in its traditional aspects, but nowhere does either of these gentlemen discuss what the modern man most wants to know—the future of this subject, its relations to the life and needs of to-day, the transformations that are necessary if the subject is to retain more than a mere antiquarian interest. It may be asked, why do we ever go to the cyclopedia? As this is at present constituted, it may be answered, we go not at all, except when we look for facts, as we look in dictionaries for the pronunciation and meaning of words. Perhaps the cyclopedia should be nothing but a reservoir of facts, but it might be something else—namely a source of insight, outlook and aspiration. The greatest thing in modern education is the transformation of old studies to serve new purposes, as is seen in language for use, mathematics for construction, geography for commerce and industry, the correlation of fine and useful arts, history to conserve economic ends, and so following. So powerful is this tendency that it may be predicted that those subjects that can not be thus transformed by selection of topics, methods of teaching and correlation with the things to which they should be related, will gradually disappear from the curriculum. We hear reiterated the old story that nothing is so good as Cæsar for the second-year students in the high school. Perhaps this is a lamentable fact from some standpoints, but what shall we say of the appropriateness of such material for womankind, and for boys whose interests are far removed from such topics. Shall simplicity of construction, diction, and so following, be forever the determining factors in the choice of a study. Must the second year of Latin always be a set of finger exercises, so to speak, for the mind?



Professor Knapp gives us a good account of the history of English grammar, but he gives small intimation that the greatest need of this subject is revolution, swift and sweeping if need be, but revolution at all events. He does not point out that our so-called English grammar is at present but a Latin graft on an English root, that it is consequently out of touch with English itself, and that it is, moreover, hopelessly behind both in psychology and logic. He does not show the confusion that has entered the subject because of these facts. When it is learned that out of twenty-five grammars fortuitously selected, Mr. Rounds finds nine different answers to the question, what is the construction of "good" in the sentence "He is good?" and eighteen for the same question about "red" in the sentence "We painted our barn red," we may surely conclude that the subject needs reconstruction in root and branch. It is not so much the abstract in grammar that is the cause of its difficulty, as the confusion that has arisen because of the present state of the subject. If a cyclopedia gave us help on such matters, it would be more widely used.

CHARLES DE GARMO.

Cornell University.

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PASSY, LOUIS. *Histoire de la Société Nationale d'Agriculture de France*. Vol. I, 1761-1793. Pp. 470. Paris: Philippe Renouard, 1912.

In 1911 the National Agricultural Society of France celebrated its one hundred and fiftieth anniversary. On that occasion the author, who is the permanent secretary of the society, announced that he was preparing a complete digest of the society's proceedings in two volumes. This is the first volume, which deals with the work and influence of the society from its origin in 1761 to the time of its temporary dissolution during the reign of terror in 1793.

While this volume, therefore, covers only a little more than thirty years of the 150 of the society's existence, it would seem to deal with the most interesting period of its history and certainly presents information which would be most difficult to secure unless one had complete access not only to the original minutes of the society and its published and unpublished memoirs, but also to the archives of the French government to which the author had frequently to resort for necessary information for filling gaps.

During the period of which this volume treats, the Society of Agriculture accomplished much for the improvement of French rural life. Many of its members possessed large estates on which they lived and where they experimented, coming to Paris to attend the meetings, present papers, and take part in discussions. It was through the efforts of one of its members, Parmentier, that the potato was successfully grown and became generally adopted for human food instead of being altogether used for live stock. Many of the problems of modern agriculture engrossed their attention, such as drainage of swamp lands, irrigation, fallowing, culture of meadow lands, testing different varieties of plants and various fertilizers, control of insect pests and plant diseases, improvement in farm implements particularly the plow, the breaking up of uncultivated land, the best methods of cultivating large plantations, soil analyses, progress in veterinary science, animal breeding, forestry, plant introduction



and acclimatization, silk culture, horticulture, gardening, and projects of rural economy and sociology. For the best results and as a means of encouraging experiment the society offered prizes. It not only had its regularly elected members, but correspondents in all parts of France. In this way the Society of Agriculture had a practical and scientific influence throughout France.

To American economists interested in the history and development of agriculture, this volume forms a rare treat. The society exists to-day as the most famous and one of the oldest in France. The volume gives in a readable and interesting manner not only an account of the proceedings of the society, but also the efforts of its members to promote practical and scientific agriculture as a means of improving the economic and social conditions of the period. These were confessedly bad as is well known. This need was clearly recognized by members of the Society of Agriculture, many of whom are now named among France's foremost citizens who, nevertheless, fell victims to the revolution and the reign of terror because of their having been associated with royalty or because of their being of aristocratic descent. In such times their devotion to agriculture and the improvement of rural conditions availed them not.

With the reign of terror occurred the dissolution of the society. Here the volume closes, citing in a few pages the names of its members who, though proscribed, escaped from France, those who perished, and the particular lines of agricultural practice and rural economy in which the most illustrious members were interested. In the words of the author, these pages form a fitting close to the life and history of the Society of Agriculture for the time being, whose laborious and glorious activities were interrupted by the political events of the troubled period of 1793.

JAMES B. MORMAN.

*Kensington, Md.*

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VON PEEZ, ALEXANDER, und DEHM, PAUL. *England's Vorherrschaft aus der Zeit der Kontinental Sperre*. Pp. xx, 381. Price, m. 8.50. Leipzig: Duncker und Humblot, 1912.

This is an interesting historical work by a journalist and man of affairs who frankly avows that in regard to the great European struggle of the Napoleonic era he proposes to write a book that will give attention altogether to material and commercial conditions. He "would say those things which the others have omitted or failed to give due prominence." Hence we have emphasis laid upon such subjects as the industrial development in England as a basis for her triumphant participation in the great struggle; the dominance of English commercial interests in determining her policy, particularly in connection with the resumption of the war in 1803 when it was found that the peace of Amiens made no provision for the admission of English manufactures and colonial wares into the countries controlled by France, thus continuing to carry on the policy of exclusion as before; the Orders in Council and Napoleonic Decrees, the license trade and smuggling; the place of neutrals and neutral trade; the economic causes back of the defection of Russia; reconstruction in France under Napoleon; the good business—"gute Geschäfte"—England made as a result of the

Continental System, and her industrial and economic ascendancy which, as the writer indicates in the title of his work, was firmly established at this time.

That a volume written from this standpoint would have much that is novel and original is evident. Unfortunately the scientific spirit is not present. The work is not based upon the sources necessary for a thorough study of the subject, but rather upon a small portion of printed matter that was readily available. The archives of the continent are remarkably rich in unused material for the economic historian of this period, but with this the author little concerns himself. The result is a somewhat popular history, with much shrewd insight into the great forces of the period, but very little in the way of actual contribution. This is particularly true when one compares the work with the very able volumes of Captain Mahan in the same field. Indeed both the matter and the treatment suggest a very liberal use of the American scholar's work.

WM. E. LINGELBACH.

*University of Pennsylvania.*

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PERRIS, HERBERT. *Germany and the German Emperor*. Pp. viii, 520. Price, \$3.00. New York: Henry Holt & Co., 1912.

Two conflicting purposes stand out in the book. The author compares old and new Germany much to the disadvantage of the latter, and emphasizes the Machiavellian and, he would have us believe, futile policy which the government is pursuing in both domestic and foreign affairs. To furnish a proper perspective a criticism is made of German development from the Middle Ages but the chief emphasis is upon the last half century. Bismarck and Emperor William II come in for the roundest condemnation, in fact the book is largely devoted to the analysis of motives and acts of each these two dominant figures. They have created a military conscienceless world power bound on crushing out all diversity to further a national ideal. Literature, art, civic life, education, all are to be standardized by being pressed into an iron mold. Germany is a grim machine whose chief function is to restrain the natural healthy growth of Central European culture. Parallel with this argument and giving at times the most curious juxtaposition of ideas runs a theme which belittles the German accomplishment. The provinces are disaffected, the people do not approve the government, the army officers talk of war with England but they will not fight. German military methods are praised because of a glorious past but they have been outgrown. There is no danger of a European war started by Germany, because war is too costly.

Toward the German people the author adopts a more friendly tone. They have been trained away from their best traits but especially in the south there is still much to admire. The discussion of the rivalry of England and Germany is remarkably fair considering the author's evident predispositions in favor of the former country. The last chapters on the economic revolution now in progress and the political revolution which the author thinks inevitable in Germany are the best in the book.

CHESTER LLOYD JONES.

*University of Wisconsin.*



REPPLIER, AGNES. *Philadelphia, The Place and The People*. Pp. xxi, 392. Price, \$1.50. New York: Macmillan Company, 1912.

It is difficult to place Miss Repplier's story, "Philadelphia, The Place and The People," under any of the familiar categories which we find in libraries. It is not fiction, biography, or travel, and least of all, is it history as we ordinarily use the term. If we would call it literature we should neglect the delightful story of the development of Philadelphia, and if we called it history we should not be taking into consideration its literary value or the personality of the author. Let us attempt the impossible and define it as a delightful narration of historical facts.

Philadelphia, from the day the first colonists sought peace in the forests of Sylvania to the present time, is laid before the reader in fascinating word pictures. Miss Repplier takes us into the homes of the early citizens and shows us how they worked and lived and played, and how unconsciously they made history. She tells us of the quiet, peace-loving Quakers, the stolid, industrious Germans and the troublesome Scotch-Irish; of the Penns, the Logans, the Shippens; of Franklin, and of Morris and of Girard; and all in such a familiar yet respectful way, that we feel as if a very intimate mutual friend had taken us around to call.

We learn from this book of the littler things, the idiosyncrasies, as it were, of men and women, of whom in larger histories we hear but a word and that in connection with some much greater event. Histories usually show us men and women as they appeared in a movement or a cause, but Miss Repplier with clever pen, keen insight, much wit, and deeper sympathy, presents the great men of Philadelphia to us in such a way, that we feel that we have really met them and have gone along home to dinner.

And yet through all the book runs the undercurrent of authentic historical data. Never for a moment do we doubt the author's accuracy. We hear the echoes of the Indian Wars in the neighboring colonies, we hear the rumblings of the Revolutionary cannon and smell the powder from nearby battlefields. We hear the wheels of industry being forged and later see Philadelphia become the greatest of manufacturing cities.

To the Philadelphian, indifferent, perhaps ignorant as well, of the great heritage which is his, this book is a revelation. To those without the gates, it should serve to dispel that erroneous opinion of Philadelphia's lack of progress, which her citizens have done so little to refute or explain.

ALBERTA MOORHOUSE GOUDISS.

#### *Philadelphia.*

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ROBERTS, PETER. *The New Immigration*. Pp. xix, 386. Price, \$1.60. New York: Macmillan Company, 1912.

Imagine a group of American citizens, interested in public problems, and particularly in the question of immigration, gathered for discussion. In the midst of this group, imagine a man of broad human sympathy and keen powers of observation, equipped with a wide personal experience with the foreign-born and a large accumulation of information about them. Imagine this man discoursing informally with the group about him, giving them his impressions and



convictions on the subject of immigration, and answering their queries freely and without reserve. Finally, imagine a verbatim report of this conversation incorporated into a book of four hundred pages, and you will have a very good idea of the character of Dr. Roberts' new book. One who picks up the volume in the spirit of a member of such an inquiring group will find much to interest, inform, and awaken him. But one who turns to this book for an authoritative and thorough-going critical study of the problem of the new immigration will be disappointed. The spirit of careful analysis of mooted questions is absent. The language is colloquial, and sometimes incorrect. The historical allusions and some of the technical terms are not always accurate—as when the author speaks of the Physiocratic fallacy regarding the importance of gold (p. 13), or uses the term "deportation" where he means debarment or exclusion (p. 21). Many inconsistencies occur in the sweeping statements made. Worst of all, the statistics are not accurate. A single example of this must suffice. On page 49 the author makes the statement that "the percentage of farmers and farm laborers in this new stream is sixfold what it was in the old," and in a footnote adds that this percentage among the old immigration was 10.7. The basis for this statement is furnished by a table of figures taken from the Report of the Immigration Commission giving the European occupations of immigrants engaged, at the time the investigation was made, in the manufacturing and mining industries of the United States. This is evidently no fair indication of what the character of the old immigration was in this respect. More than this, the author admittedly leaves the Irish out of the count, because they were preponderantly agricultural. Yet the Irish made up about a third of the old immigration. And then, to get the average the author adds up the percentages of the remaining races, and divides by the number of races, paying no attention to their numerical importance, and giving the same weight to the Flemish and French that he does to the Germans and Norwegians. An author who can make as many statistical blunders as this in a single sentence forfeits the confidence of the reader in his statistics in general, especially when no reference is given by which they can be verified, as is quite generally the case in this book.

The value of the book lies in its wealth of concrete illustrations of significant facts, and in its stirring plea for a better understanding and treatment of the immigrant. The author makes a strong appeal to native-born Americans to recognize their duty and opportunity toward the foreigner. Undoubtedly Dr. Roberts magnifies the efficiency and possibilities of conscious philanthropic efforts in assimilating the immigrant. He does not—he could not—exaggerate the importance of assimilation itself and the book ought to be read by every public-spirited American. But the best of these efforts are inadequate to meet the occasion while the social and industrial conditions which characterize the life of the working classes of this country persist. Dr. Roberts is an avowed anti-restrictionist, yet his book is the strongest argument which has yet appeared for a temporary restriction of immigration, until the United States shall have devised some efficient method of giving the alien that for which he comes, while safeguarding the interests of the country.

HENRY PRATT FAIRCHILD.

*Yale University.*

TARDE, GABRIEL. *Penal Philosophy*. Pp. xxxii, 581. Price, \$5.00. Boston: Little, Brown & Co., 1912.

The American Institute of Criminal Law and Criminology has done a great service to the cause of Criminological science in presenting to American readers this great work on Penal Philosophy. The author's long career as a criminal magistrate provided ample opportunity for first-hand knowledge of the criminal which was utilized not only for the purpose of improving criminal procedure but for developing a philosophy of the criminal. This has done much to forward the science of criminal psychology and sociology. It was from his office as *juge d'instruction* for nearly eighteen years in his native city of Sarlat, that he made the observations concerning the large part played by imitation in criminal conduct which he made the basis of his interpretation of language, art, law, institutions and human society generally as set forth in *The Lois de l'imitation, qu'est-ce qu'une société*, and other writings.

In 1890, the date of first publication of this work, the doctrines of the positive school of criminology, particularly those of criminal anthropology, were having wide circulation. It was largely to evaluate these doctrines and supplement them with what the author believed to be neglected elements that this book was written.

The crux of the whole subject of penal philosophy is the doctrine of moral responsibility. To an examination of the deterministic theories of the positive school the author devotes six of his nine chapters. Without attempting in the least to deny the doctrine of determinism so thoroughly established in every other realm of knowledge and now rigidly applied to human conduct, he nevertheless attempts to reconcile it with freedom of choice. This he does on a psychological basis. Two points are emphasized. First is the identity of the psychological self which includes all the elements of heredity, education, experiences, and memory. These combine in establishing certain ideals which constitute the goal of life and give a sense of the unity of personality. So long then as this "self" responds to the necessity of his nature and is not coerced he is free and moral.

To this must be added, in the second place, the relation of this "self" to others. This sense of social similarity creates the definite consciousness of social responsibility.

These criteria the author believes establish a genuine basis for responsibility without raising the old question of the freedom of the will.

Concerning the causes of crime the author makes much of the general laws governing social relations i.e., repetitions or imitations. This naturally leads to the assumption that crime is primarily a social rather than a biological or physical matter as emphasized by the anthropological school. In the emphasis placed upon environmental factors, however, M. Tarde has hardly gone further in his analysis than Lombroso himself in his "Crime, Its Causes and Remedies," published in this series.

Chapters vii and viii are devoted to a review of modern theories of criminal procedure and penology, and consist chiefly of practical criticisms on the basis of views developed in previous chapters.



The last chapter is a discussion of capital punishment and seems to have little vital connection with the remainder of the book.

The English of the translation is involved and in many places lacks clearness and definiteness making it somewhat difficult reading.

The book on the whole is a valuable commentary on the modern school of criminology and should be read by everyone who desires familiarity with the leaders of modern thought in this field.

J. P. LICHTENBERGER.

*University of Pennsylvania.*

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TRAIN, ARTHUR. *Courts, Criminals and the Camorra.* Pp. 253. Price, \$1.75. New York: Chas. Scribner's Sons, 1912.

Lord Bacon once said: "We are much beholden to Machiavelli and others who wrote what men do and not what they ought to do." If regarded from the same point of view the author of this volume certainly is worthy of peculiar esteem. He has shown from the record of personal experiences that our criminal procedure is as far from the letter of the law in its actual administration as our actual political government is from the purpose and intent of the framers of our constitution. The presumption of innocence is a "pleasant fiction" and in practice results in a "legal hypocrisy vastly less desirable than the frank attitude of our continental neighbors toward such subjects."

He has revealed the inside workings of the district attorney's office and shown how the various elements in the work of detection and prosecution of the criminal—the district attorney, the police, the press, and the personal friends or family of the criminal—are often antagonistic, making the work exceedingly complicated.

As in his previous writings he defends the much criticised jury and finds that it works substantial justice in the vast majority of cases. From a great store of personal knowledge and wide observation he discusses the question of "Why do men kill?" and aside from a catalogue of causes throws little new light on the subject.

A little more than two hundred pages are devoted to a first-hand study of the Camorra in Italy and the criminal Italian element in the United States. The picture is somewhat depressing but reveals the need for more strict police measures, not only in preventing the criminal immigrant from entering the United States but in dealing with the whole problem of the foreign criminal.

The book is written in the same fluent style characteristic of his "Prisoner at the Bar" and other works. It is not a scientific treatise but emphasizes the human element in the crime problem.

J. P. LICHTENBERGER.

*University of Pennsylvania.*

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WASHINGTON, BOOKER T. *The Man Farthest Down.* Pp. 390. Price, \$1.50. New York: Doubleday, Page & Co., 1912.

It is not often that a tourist, after spending a few weeks among a foreign people and assay to write about them, ever produces anything valuable. This volume



is a unique exception to the rule. The author spent six weeks in Europe in almost as many countries investigating the people whom the ordinary tourist never sees, and out of this experience, supplemented by a very careful study of the latest literature concerning these peoples, has produced a volume unique in character and extremely valuable.

The vividness with which he portrays the condition of the man and the woman "farthest down," the clear-sighted analysis of their situation, the description of the causes which produced the results described, serve to place the author among the most accomplished social critics of his time. It was not to be supposed that Dr. Washington could write anything without betraying his burning interest in the improvement of his own race, so that one is not surprised to find the narrative filled with comparisons of the conditions of these peoples with those of the negroes in America. He compares the social, political, industrial, agricultural, religious and moral status of the man "farthest down" in Europe with the American negro and finds it not to his discredit. He insists again and again that conditions are not unlike except in the fact that the man at the bottom in Europe is the man who has been defeated and gone down, while the negro has never gotten up. The same race prejudices exist and in every instance, no matter what the causes of race differences may be, the race at the bottom is branded as "the inferior race."

His comparisons are not unfavorable to the negro race. He concludes: "The more I entered into the life of the people at the bottom, the more I found myself looking at things from the point of view of the people who are looking up rather than that of the people who are at the top looking down. . . . The man who is down, looking up may catch a glimpse of heaven, but the man who is so situated that he can only look down is pretty likely to see another and quite different place."

The book is written in excellent literary style. Its diction is clear and forceful. It deserves a wide circulation.

J. P. LICHTENBERGER.

*University of Pennsylvania.*

REPORT OF BOARD OF DIRECTORS OF THE AMERICAN  
ACADEMY OF POLITICAL AND SOCIAL SCIENCE.  
FISCAL YEAR ENDED DECEMBER 31, 1912.

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I. REVIEW OF THE ACADEMY'S ACTIVITIES

Independent of the record of accomplishment for the year 1912 it must be a source of much satisfaction to the members of the Academy that their organization is with each year assuming a more important place in the guidance of opinion. The purpose of your Board has been not merely to make the subjects covered by the publications and meetings of the Academy national in significance but to make the influence of the Academy national in scope. That we are meeting with success in this effort is attested by the large and increasing group of persons in different sections of the country who look to the Academy for guidance and who are ever ready to cooperate with the officers in extending the scope of the Academy's influence.

We are now approaching the twenty-fifth anniversary of the Academy's existence and your Board is beginning to make preparations for the proper commemoration of this event in the spring of 1915. By that time it is hoped we will be able to realize the two great needs of the Academy—first, an adequate endowment, and secondly, a separate building adapted to the Academy's needs. We feel, however, that we would like to accomplish these two great purposes through the cooperation of as large a part of our members as possible rather than through an appeal to one or a few individuals.

II. PUBLICATIONS

The publications of the Academy during the year 1912 have furnished a series of symposia on national questions which are in the foreground of public attention. Your Board desires to take this opportunity to express its obligation to the Editor-in-Chief, to the Associate Editors, and to the other members of the Publication Board for their unselfish devotion to the publication work of the Academy. During the year 1912 the Academy has issued the following special volumes:

January....."China: Social and Economic Conditions."  
March....."Country Life."  
May....."Efficiency in City Government."  
July....."Industrial Competition and Combination."  
September....."Initiative, Referendum and Recall."  
November....."Outlook for Industrial Peace."

In addition the following supplements were issued:

May....."Timber Bonds as Investment Securities."  
November....."Reconstruction of Economic Theory."

## III. MEETINGS

During the year 1912 the Academy has held the following meetings:

January 27 . . . . "The Policy of the United States Government with Reference to the Panama Canal."

February 24 . . . . "The Present Situation in Persia."

March 29 and 30. "Competition and Combination in Commerce and Industry."

November 19 . . . "The Art of Public Giving with special reference to Will-Making and the Uses of Endowments."

November 26 . . . Joint Session with Pennsylvania Arbitration and Peace Society. "The Balkan Situation and the Peace of Europe."

## IV. MEMBERSHIP

The membership of the Academy on the 31st of December, 1912, was 5,619, with a subscription list of 609, making a total of 6,228. Of the 5,619 members 1,203 are residents of Philadelphia, 4,181 are residents of the United States outside of Philadelphia and 235 are foreign members. Of the 609 subscriptions, 2 are Philadelphia, 545 United States outside of Philadelphia, and 62 foreign. Compared with the membership on the 31st of December, 1911, we find that in the Philadelphia membership there is a gain of 46, in the membership in the United States outside of Philadelphia 397, and in the foreign membership 33, or a gain of 476 in the membership list. In the subscription list there is a gain of 42 in the United States outside of Philadelphia and 4 in the foreign subscriptions, making a total gain of 522 in membership and subscriptions for the year.

During the year 1912 the Academy has lost through death 74 of its members, one of whom was a life member of the Academy.

*Foreign*

James T. Bell	Dr. Jose Madriz	Professor Georges Vidal
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*Philadelphia*

George Burnham	Clement A. Griscom	Jesse H. Michener
Dr. Richard A. Cleemann	Samuel Kohn	J. N. Pew
James Christie	M. B. Laubach	John Price
William S. Emley	John P. Logan	James Rawle
Dr. Adam H. Fetterolf	F. H. McCann	William T. Rolph
Virginius F. Graves	Rev. O. B. McCurdy	J. B. Thayer.

*United States (Outside of Philadelphia).*

C. V. Anderson	Emil L. Boas	Hon. T. C. Dawson
Miss M. Bancroft	Thomas G. Boggs	H. F. Dimock
Dr. Enoch M. Banks	J. J. Browne	R. N. Durburow
E. H. Bennett	James T. Clendenin	Major C. E. Dutton
Henry de R. vom Berge	Hon. J. Henry Cochran	John Eaton
Frank S. Blair	C. C. Cokefair	Louis R. Ehrich



William A. Feist	Rev. Edward C. Mitchell	Hon. T. G. Smith
J. R. Flickinger	William H. Moon	Henry Spies
Charles M. Hays	Walter Oakes	F. H. Stillman
Hon. Henry F. Hord	Edward J. Parker	George F. Stone
Horace E. Horton	W. C. Parsons	Hon. Charles W. Stone
William Kent	Sir F. S. Powell.	Isidor Straus
Lewis Kingman	James T. Pyle	Ernst J. Thalmann
Charles J. Krook	Stuart F. Randolph	August Uihlein
Charles F. Manderson	John Schroers	Gilbert E. Whittemore
Col. John J. McCook <sup>1</sup>	M. A. Scovell	S. P. Wolverton
D. S. Merritt	Hon. George M. Sharp	John G. Wright
Edgar J. Meyer	Albert K. Smiley	

The death of these members has deprived the Academy of some very warm friends and enthusiastic workers.

During the year the Academy has lost by resignation 454 of its members and 24 subscribers, but this loss has been counterbalanced by the addition to our membership roll of 1,004 members and 70 subscribers. Of the 1,004 new members six were entered as life members. Seven annual members were transferred to the Life Membership roll, making a total of 13 life members during the year.

Seth Bunker Capp <sup>2</sup>	Fanny B. Coleman	Charles J. Willett
Brazilio Machado <sup>2</sup>	Marcus M. Marks <sup>2</sup>	Cecelia Baldwin McElroy <sup>2</sup>
W. R. Callender	Arthur S. Huey	F. D. Waterman
Louis Marshall <sup>2</sup>	R. W. de Forest	Julius Rosenwald
	Oscar S. Straus. <sup>2</sup>	

## V. FINANCIAL CONDITION

The receipts and expenditures of the Academy for the fiscal year just ended are clearly set forth in the Treasurer's report. The accounts were submitted to Messrs. E. P. Moxey & Company for audit and a copy of their statement is herewith appended.

In order to lighten the burden of expense incident to the Annual Meeting a special fund amounting to \$1,444.00 was raised. The Board takes this opportunity to express its gratitude to the contributors to this fund.

## VI. CONCLUSION

Your Board desires to take this opportunity to thank those members of the Academy in all sections of the country who, throughout the year, have contributed toward strengthening our work, both through their advice and suggestions and through contributions to the special volumes.

<sup>1</sup> Life member.

<sup>2</sup> New members entered as life members.

PHILADELPHIA, PA., January 16, 1913.

MR. STUART WOOD,

*Treasurer, American Academy of Political and Social Science,  
Philadelphia.*

DEAR SIR: We herewith report that we have audited the books and accounts of the American Academy of Political and Social Science for its fiscal year ended December 31, 1912. As a result of our audit we certify that the statement of assets and liabilities and statement of receipts and disbursements submitted herewith are correct.

Yours respectfully,

EDWARD P. MOXEY & Co.

### SCHEDULE A

#### *Statement of Receipts and Disbursements.*

Balance, Cash on Hand, December 31, 1911..... \$3,964.45

#### RECEIPTS

Annual Subscriptions.....	\$24,700.50	
Life Memberships.....	1,300.00	
Special Contributions.....	1,547.68	
Subscriptions to Publications.....	2,847.82	
Sales of Publications.....	4,631.37	
Income from Investments.....	2,970.00	
Interest on Deposits.....	94.49	
Miscellaneous Receipts.....	204.25	
	<hr/>	38,296.11
		<hr/>
		\$42,260.56

#### DISBURSEMENTS

##### Office Expense:

Office Salaries (10 clerks).....	\$6,729.76	
Special Clerical Service.....	112.42	
Telegraph and Telephone.....	211.34	
Postage.....	1,707.97	
Stationery, Supplies and Repairs.....	1,729.41	
Freight, Express, Car Fares, Copyright Fees, etc.....	128.80	
	<hr/>	\$10,619.70

##### Philadelphia Meetings:

Hall Rentals.....	\$548.00	
Stationery, Engraving and Printing.....	982.03	
Postage.....	77.96	
Clerical Services.....	14.98	
Expenses of Speakers.....	777.70	
	<hr/>	2,400.67

## Publicity Expense:

Pamphlets, Cards, Letters, Circulars and Advertising.....	\$985.62
Postage.....	276.71
	<hr/> \$1,262.33

## Publication of Annals:

Printing.....	\$12,471.15
Reprints.....	783.50
Binding.....	640.40
Postage.....	1,126.65
Advertising.....	110.00
Sundries.....	442.68
	<hr/> 15,574.38

Investments Purchased.....	\$8,827.50
Interest, Premiums and Commissions on same	159.50
	<hr/> 8,987.00
	<hr/> \$38,844.08

Balance, December 31, 1912.....	<hr/> <hr/> \$3,416.48
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## SCHEDULE B

*Statement of Assets and Liabilities, December 31, 1912.*

## ASSETS

*Investments*

\$3,000 St. Louis & Merchants Bridge Co. (1st Mtg. 6's—1929).....	\$3,000.00
3,000 Penna. & New York Canal & R. R. Co. (4½'s—1939).....	3,000.00
5,000 Wm. Cramp & Sons Ship & Engine Bldg. Co. (5's—1929)....	5,000.00
5,000 West Chester Lighting Co. (1st Mtg. 5's—1950).....	5,000.00
3,000 St. Louis Iron Mt. & Southern Ry. (General Mtg. 5's—1931)	3,000.00
3,500 Mortgages (6%).....	3,500.00
3,000 Pittsburgh, Bessemer & Lake Erie (1st Mtg. 5's—1947)....	3,000.00
5,000 Lake Shore & Michigan Southern Ry. Co. (Deb. 4's—1928)..	4,801.25
3,000 Market St. Elevated Passenger Ry. Co. (1st Mtg. 4's—1955)	2,786.25
5,000 Choctaw, Oklahoma & Gulf R. R. Co. (Genl. 5's—1919)....	5,000.00
5,000 New York Central & Hudson River R. R. (Deb. 4's—1934)..	4,640.00
5,000 Baldwin Locomotive Company (Sinking Fund 5's—1940)...	4,975.00
5,000 Lehigh Coal & Navigation Co. (Collateral Trust 4½'s—1930)	5,000.00
5,000 New York & Erie Railway (2d Mtg. 5's).....	5,000.00
5,000 City of Macon, Ga. (4½'s—1932).....	5,000.00
Cash in Bank.....	3,416.48

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\$66,118.98

## LIABILITIES

None.





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# COUNTY GOVERNMENT

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*This volume was suggested, and a tentative table of contents submitted, by Mr. H. S. Gilbertson, of The National Short Ballot Organization. Professor John A. Fairlie, of the University of Illinois, also rendered invaluable assistance in suggesting topics and contributors. With these suggestions as a basis, the volume was prepared and edited by Clyde Lyndon King, Ph.D., Assistant Editor.*

PART ONE

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TYPES OF COUNTY GOVERNMENT





## ELEMENTS OF THE COUNTY PROBLEM

BY H. S. GILBERTSON,

Assistant Secretary, The National Short Ballot Organization.

Municipal reform in America got on its feet when cities began to think of their problems as a unit, and to apply the appropriate remedy on that basis. When, for example, Galveston, Des Moines and more than two hundred other municipalities adopted commission government, many of their difficulties proved to be surface manifestations of fundamental faults of organization. They changed the structure of the municipal government, making a complete new alignment to the facts of citizenship. And the simplified plan brought about, not instant and thorough-going reform in every branch of public business, but at least the prime essential condition under which such reform could be instituted. Good citizenship acquired a new and efficient instrument, through which there was direct and unmistakable responsibility to the people and the corresponding power to execute their wishes.

County government has just begun to be treated in the same fundamental fashion, through such measures as the new county charter in Los Angeles, the new city and county charter in Denver, and other more general legislation, which seeks to adapt some of the principles of commission government to counties. This means that problems arising within the county have begun to be regarded as a unit—the problem of the county.

### *Symptoms of Inefficiency*

But, before dealing with the structure of county government, it may be well to suggest in passing a few of the typical superficial conditions which have suggested this study.

From New Jersey emanate accounts of the breakdown of the jury system, yet the sheriffs of that state, burdened with the task of impanelment, frantically endeavored this year to stay legislation which would take this function out of their control. Hudson county in that state has distinguished itself by retaining for a year in an important fiscal office a person who had been convicted of crime.

Some five years ago several counties in New York State were afflicted with a leaping and bounding tax rate. The state comptroller sent his examiners into five or six of them, and in at least one, he found a practically wide open treasury which could be picked at the instance of half a dozen elective county officers, with no one raising a dissenting voice. In one county, by a series of resolutions directly contrary to law, the board of supervisors actually abdicated its principal function as auditor of the county bills, to an appointive employee who served without bonds and was subject to no check whatever beyond a perfunctory examination. Vouchers for public expenditures in several counties were found to be burned; sometimes stuffed away in barrels in an utter lack of sequence or order. Officers like the county clerk or county treasurer had for years been pocketing fees which the statutes plainly stated were the property of the state.

The treasurer of Cook county, Illinois, some months ago flatly denied permission for a public examination of his office—until an account of his attitude was made a matter of general knowledge through a report from the Bureau of Public Efficiency. The coroner's office in the same county, investigated by the same agency, revealed a singular looseness in its methods.

From many of the states came something more than intimations of the inferior grade of men sitting in places of authority on the county board.

Counties show a backwardness in civil service reform; so that in New York State, where civil service was applicable to cities since 1883, it was not extended to counties until 1900. Non-partisanship in elections, long since generally recognized as an axiom in good city government, has never been seriously discussed in relation to counties. The county machine politician, on the whole, appears to be still quite firmly in the saddle.

In all these seemingly unrelated and superficial ailments there is nothing startling nor peculiar to counties. But, in a cumulative way, they voice the lack of popular interest in the whole subject of the county, which in its turn has, quite naturally, brought forth the typical and familiar symptoms of weak, inefficient government which have a way of cropping out wherever the covering is thinnest.



*Outworn Types of Organization*

This is not, however, to say that the present failings of county government are due to quite the same ultimate interests which have lowered efficiency and public morality in the cities and states. For, while the counties have undoubtedly suffered from their business graft, and dark scandals have been frequent in connection with house and road construction, supply contracts, and other activities, the trouble seems to be political rather than social. More than in any one respect, the county has failed in adapting its general form of organization to the varying conditions of modern citizenship. Historical factors appear to have furnished a larger and more conservative part in the shaping of county government than in the government of any other political division. Conceived in the colonial period, when rural and town life prevailed, counties have retained substantially their original form. The divergence of types in different states follows not so much the changing wants of the community as the particular slant which tradition has given it. Thus New York State clings to the township system, evidently not because it answers to the present distribution of population into rural and urban communities, but because it originally met the requirements of the northern colonies. Contrariwise, the South, in spite of rapid urban growth, clings to its commissioner system,—a heritage of aristocratic colonial days; and the middle and far west, in which the northern and southern influences have coalesced, have adopted a variety of combinations of the two forms, or, as in Illinois, given the separate communities an option between them.

While the county forms have been crystalizing, hundreds of cities, like Kansas City, Omaha, and Chicago, have sprung up in the middle of the plains, and have developed a mechanism of government suitable, in some degree, at least to the complex needs of their compact and varied population. In nearly every one of these cases, an antique county organization is retained. The inevitable result is a duplication of functions, conflict of authority and wasted effort.

Sometimes it is in the police establishment, as in Los Angeles, where the framers of the new county charter found the sheriff, the constables, and the municipal police forces operating side by side, each on his own distinct and independent authority. Even in New York county the authority of the large, and in most respects efficient,

police force, is subject to dispute at the hands of the sheriff, as in the case of a recent strike.

Much of the same situation exists in some parts of the country with reference to the school system, wherein there are excellent opportunities for disputes between the county and the city superintendents in the same municipality. The dispensing of aid to indigents is often portioned out between the county and the town and a rather humorous distinction is made, in New York and the New England states, between town poor and county poor. Cities and counties sometimes duplicate each other's machinery in the assessment and collection of local revenue, sometimes even assessing the same property at wide differences of valuation.

#### *Relation to the State Government*

Undoubtedly, these faults are due, at bottom, to the policy of legislative centralization which, with the exception of California since the adoption of the home-rule amendment, is universal with the states. The many matters of routine that come within the purview of county offices call for a certain uniformity of procedure, as in the case of the public records of property transfers and court transactions. But, instead of stopping here, the states have taken it upon themselves to regulate and standardize by statute and even by constitution many questions of organization which would better be dealt with by local authorities in the light of local needs. So that, from mandatory salary legislation and from the creation of needless statutory positions, the counties have suffered quite as much from foreign control as the cities. And the greatest inconsistency on the part of the states is in that, having gone so far in a legislative way, they have exercised so little direct regulation over accounts, collection of taxes, civil service and the administration of justice. Upon its written laws the state casts the whole responsibility for the protection of life and property, its first duty to its citizens. The whole complex machinery for executing these functions, apart from this impersonal legislation, has but a local relationship until, by some extremity, it gets involved in litigation in one of the state courts.

#### *Structural Defects*

In its internal organization, too, the county is a victim of disintegrated responsibility. The great wave of democracy which swept



over the country in the middle of the last century called for the election of as many officers as the legislatures could be persuaded to put on the ballot. County offices were especially vulnerable to this tendency for several reasons. The demands which they made upon the intellects and the energies of their incumbents seemed not onerous; and, especially in the rural districts, the people regarded it not only as a sacred duty but an inalienable right to hold some county office at least for one term during a lifetime. They regarded short terms and rotation in office as the very essence of democracy.

And so the county ticket, in the municipalities at least, often contributed more toward the familiar evils of the long-ballot system than any other single factor. Rural voters, doubtless, do know their candidates, but, because of the practice of legislating uniformly for county government, the cities had to take the long county ballot because the farmers demanded it.

But even in the country counties some of the most deep-seated evils of the system inevitably arise. And this is the central difficulty: Whenever an officer is elected by the people, by that very fact he stands upon an independent basis. When several important officers are thus independently elected, there can be no real unifying authority which can force harmony of action. This is illustrated by the case of the coroner, who in many states is an elective officer.<sup>1</sup> The Cleveland Municipal Association, in their excellent report upon this office found that the coroner was often a serious obstacle to the administration of criminal justice, because the district attorney, who was an officer of equal rank and independence, did not have any adequate power to keep him from ignorantly or maliciously covering up evidences of crime in cases of violent death.

As a substitute for the natural form of control through personal subordination, which is the rule in every effective organization, there has been developed a form of control by litigation. The board of supervisors, for example, is recognized by law as the official head of the county. But this board must perform many of its functions through elective subordinates. The common way to enforce its authority is to take action on the officer's bond, perhaps with the aid of the district attorney, who is also usually elective. This, of course, is a drastic method which in practice is resorted to only infrequently; and for minor delinquencies, and for the purposes of enforcing posi-

<sup>1</sup>See paper in this volume on "The Coroner's Office."



tive continuous efficiency, the law makes no provision at all. Surely, this is "government of laws not of men" reduced to the point of absurdity.<sup>2</sup>

### *Civic Aspects*

The long-ballot system places the county in an unfortunate position from the standpoint of the citizen. The chief concerns of counties in the past, in so far as they affected the incorporated municipalities within their limits, have been undebatable matters. Nearly all of the work of the county clerk, the sheriff and the recorder of conveyances concerns the small minority of the whole body of people who, in the course of the year, prepare for matrimony, transfer real estate or are haled into court. In these offices the average citizen cannot be expected to take any great interest. To him they represent no public policies. To him, in fact, the whole matter of county government is a considerable bore. It is this element of obscurity which has given the professional county politician his golden opportunity. The citizen cannot or will not elect the officers, so the boss obligingly—for considerations—takes over that function himself. After election, too, he supplies the natural demand in the county organization for a personal, visible, even though unofficial and extra-legal head. The system is expensive; and it is far-reaching in that it supplies one of the chief elements in the state "machine."

### *Constructive Phases of the Problem*

But lest the analysis of this subject bring on a deep melancholy, it may be suggested that the county problem is not only soluble but is already on the way to practical solution in several of its phases. To begin with, one state, California, has found a workable method of making the county organization adaptable to a vast disparity of local conditions, with apparently no menace to the proper control of the central government over its civil divisions. The legislature of California in 1911 had come to know that there were a number of subjects which the local electorate and the local authorities in the

<sup>2</sup> The counties of the first class (Hudson and Essex) in New Jersey have an officer known as "county supervisor," who has powers analogous to those usually conferred upon the mayor of a city not of the "commission government" type. This official keeps the board of chosen freeholders informed as to the state of the county finances, attends to the enforcement of laws, supervises the subordinate officers and holds the veto power. (*Public Laws of 1900*, pp. 168, 191, 193.)

fifty odd counties could pass upon far more intelligently than legislators resident in a section of the state perhaps seven hundred miles away. The cities of California for over thirty years had enjoyed the privilege of managing for themselves all their strictly local affairs under the "home rule" provisions of the constitution, and had thrived under the system. The counties, on the contrary, were enthralled by the theory that they were mere civil divisions of the state and must be rigidly controlled by state authority. The legislature of 1911 saw the county problem in a new light. So they submitted to the people a proposition for limited constitutional home rule for counties, which made it possible for the local constituency to decide upon the structure or form of their own government, and to control the county officers as they saw fit. The amendment was adopted in October, 1911.<sup>3</sup>

The procedure under the California constitution by which a new county charter may be adopted is very similar to that which has been employed, for thirty-four years, in the cities. On petition of fifteen per cent of the electors or on the initiative of the board of supervisors, an election of a board of fifteen freeholders is held. The freeholders draft a charter, which is submitted to the people for ratification. This document must then go to the legislature for approval or rejection, as a whole, a merely formal step, since no legislature in thirty-three years of municipal home rule has ever rejected a charter or an amendment to one.

The central feature of this amendment is the power which it gives the locality to determine whether the officers of the county, except the board of supervisors, shall be elective or appointive, and, if appointive, to determine the manner of appointment.

### *The Los Angeles Charter*

It is this power over the method of the selection of officers which gives the freeholders the key to a new plan of organization peculiarly adapted to the needs of their county; an advantage the charter framers in Los Angeles county, who were the first to take advantage of the amendment, were quick to seize. The charter which they submitted and which the people ratified on November 5, 1912, as

<sup>3</sup> For the constitutional provisions in California constitution see paper in this volume on "County Home Rule in California."

embodying a new conception of county organization is worth reviewing:

Primarily, the old notion that every officer must be elected, is abandoned. Under the old legislative county law in California, the people in the large counties elected, every four years, the following officers: one supervisor for each of five districts, county superintendent of schools, coroner, public administrator, county clerk, district attorney, sheriff, auditor, treasurer, tax collector, assessor, recorder and surveyor. In addition to these, was a galaxy of elective constables and justices of the peace. The new county charter wipes off the ballot most of these officers because their duties are almost entirely ministerial or clerical, though the ballot will still be used in the selection of the sheriff, district attorney and assessor. By rotating the terms of the elective officers, not over three of them will be chosen in any one year, after the first election, which means that the county ticket in any single year will be reduced from thirteen to two, or at most, three officers.

In the second place, the charter provides for a unified, responsible system of administrative control, where the old law had imposed duties without conferring correspondingly adequate powers. For, with the inauguration for the new system, the board of supervisors, subject to the civil service provisions, will have control, through the power of appointment and removal, over the principal county officials, who will henceforth be merely heads of departments.

### *External Adjustments*

But while the Los Angeles charter points the way toward a rational resetting of the lines of official responsibility, it is conspicuously lacking in any suggestion of adjustment as between the county as a whole and the municipalities within its limits. One class of cases which would come in for treatment of this kind would be those where the boundaries of the county and those of a city are coterminous (as in the case of Denver and San Francisco) or can be made to correspond. In such instances, the county is principally a judicial unit, without any important functions of local government, and it is not a difficult matter to transfer county functions to already existing city officers, or vice versa. The interests of the city and the interests of the county may be merged and the uninteresting routine, administrative functions of the county may be vitalized



by, and made to partake of, the benefits of the civic interest which is brought to bear in the discussion of municipal policies and issues which are an incident of city elections. Denver has actually accomplished such a merger through an application of the short ballot principle by which the sheriff, county clerk and supervisor are subordinated to the five elected commissioners, who constitute the sole policy-determining or governing body of the city and county.

A solution of a very different type and especially applicable to counties which contain a number of separate municipalities is the one now proposed in Alameda county, California. This is a county in which the divergency between the urban and rural, and, in fact, between the several urban communities, is sharply accentuated. One half the county is composed of farming country and will probably remain such for many years to come; the other half of a group of cities including Oakland, with a population of 150,174, Berkeley 40,434, Alameda 23,383 and several smaller incorporated places. At a glance it will be seen that these municipalities, through juxtaposition, have many interests in common. At the same time, there is in each a powerful, and, in many ways, a laudable, local sentiment which has made it seemingly hopeless to attempt anything like consolidation, or annexation to any one of the larger cities.

Under these circumstances the Tax Association of Alameda County, supported by several other civic and commercial organizations, as a means of getting rid of duplicate officers and conflict of authority, has proposed a system of federation. The ten incorporated cities and towns and the three divisions of the rural half of the county, would each be given representation as municipalities on a board of county supervisors. This county board, however, would not be a separate and distinct elective body, as at present, but would consist of the mayors, and in the case of the largest cities, of additional designated members of the city council. The board of mayors would control directly all of the other county officers with the exception of those attached to the judicial branch, *i. e.*, the sheriff, public administrator and district attorney (the county or superior judges being considered in California as state officers). Many duplicate offices would be consolidated, with the idea of effecting economies and simplifying machinery.

Broadly speaking, the changes recently adopted or projected in the several important centers in Colorado and California suggest what seems to be the soundest basis for thoroughgoing reorganization: the composition and distribution of population. At least three types of community need to be recognized as having distinct administrative problems:

1. All rural communities, where the county (with its subdivisions) is the sole agency of local government as well as an administrative division of the state.
2. All urban communities, in which the county is practically an administrative division only.
3. Mixed urban and rural communities.

And, incidentally, in order to bring homogeneous elements of the population under a single organization, it may also be found desirable, in some states, to re-fix certain county lines. Cities like Chicago, Cleveland and Buffalo find themselves great urban populous centers surrounded by a fringe of rural territory, out of which condition many complications arise. That condition could be simplified by attaching the outlying communities to other counties or erecting them into new counties. Distinctly rural communities might well be set apart from those whose problems are urban and their administration handled accordingly.

#### *Future Possibilities in County Development*

Under arrangements such as might be effected either by consolidation or federation, as suggested, it seems not a vain hope that the urban or semi-urban county will be able, sometime in the future, to assume a larger and more important rôle in local government than heretofore. One feature of American life, in particular, seems to present an opportunity to develop county organization into a highly important, and hence civically interesting division of government:—the growth of interurban interests. Some of these center around questions of public utilities, such as railways, light, heat, water and power supply and telephone service. There are also the problems of police, fire and health administration, which have usually been committed to the care of cities by a delegation of the state's "police" power. The administration of these functions by a variety of contiguous municipalities often makes for confusion and waste. A more logical, certainly, and perhaps more practical, distribution

in many cases would put these matters in the hands of the state's own civil divisions. In this way a great population center like that which is composed of the hundred or so separate municipalities just across the Hudson from New York City, could present a united front to a great conflagration, an epidemic of disease or a powerful public service corporation, all of which are contemptuous of mere boundary lines. In that case the county problem, as we have outlined it, would disappear, for municipal affairs, in themselves a sufficiently fruitful, but also hopeful, field for reform, would not be overlaid, as at present, with questions which properly belong either to the state authorities or to rustic localities.



# THE COUNTY COMMUNITY AND ITS GOVERNMENT

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BY WILLIAM L. BAILEY,

Associate Professor of Political Science, Grinnell College, Iowa.

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The county is an aspect of our American system of government and politics not unimportant yet quite neglected. The monographs of the Johns Hopkins Studies, Howard's Local Constitutional History, and Dr. Fairlie's pioneer work, have, however, opened up the field. There is needed now a more synthetic treatment of the existing systems, presenting the nature of the county as an economic and social unit; the practises which convert the constitutional and statutory systems into working agencies; the relations of the county to our state, municipal, and party government. There are peculiar difficulties in the way of a comprehensive and intensive study of this field, but enough can readily be done to hasten the application to it of present principles of institutional change.

The county is found throughout the United States as a unit of government, essentially the same, but operating under widely varying conditions. Every state is composed of such. A few reservations of the national government comprise the only areas and populations not subject to its jurisdiction, and these are being rapidly assimilated. Alaska is still governed as an unorganized territory. The extension of the county net over the country fully kept pace with the advance of settlement, and supplied to the pioneer the absolute necessities of government,—justice, order, titles to property, probate of estates. Though differing widely in form and activities in the various parts of the country, and by reason of the changes made from colonial times to the present, yet it is substantially the same unit whenever and wherever found.

The county permeates our political, legislative and administrative machinery. It is widely used as a unit (in various forms) of legislative representation, and of administrative activity, throughout the country. Party organization is cast in this mold. And in no small degree local economic and social agencies utilize it as a unit. The state and national systems of government and politics are thus built

upon it; while in a very true sense the local government units, such as townships and municipalities, have grown out of it or within it.

From all these points of view the county community is of widely varying vitality and importance in the different sections of the country. More especially in the South and West it is, over large areas, practically the only unit of local government, the sub-districts being largely subordinate to it, and municipal life comparatively undeveloped. Some 300 counties (mostly in Texas, Tennessee, Virginia, Louisiana, California, Nevada and New Mexico), or ten per cent of the total, have no incorporated place within their limits. In general, too, its use as a unit of political or governmental organization is greater in the East than in the West (New England being excepted), where coequal population districts have frequently taken its place. The sharpest differences appear when contrasted in New England and the South. More especially in Rhode Island, Connecticut and Massachusetts, the presence of several large cities in over half of the counties destroys their unity effectually, though rural counties with some community sense do exist there. In the New England group, the county is not used as a unit of legislative representation; administrative activity (not to same extent as elsewhere); nor of party organization. The town is the vital community, with the municipality increasingly so. Here, too, the county has little constitutional basis, and is more largely under legislative control. In Rhode Island the county is not even corporate. In the South it is the historical unit; it has a well-defined constitutional position; generally the state government has no administrative control; the sub-districts are its administrative circumscriptions; it is fully used as a unit of legislative representation, administrative activity, and party organization; the counties are small in area, and have usually only one urban center. In a modified way, the same is true of the middle states and the West.

While all over the county are written the marks of the period of frontier expansion, making its formal existence incomprehensible apart from full recognition of that factor, the changes induced in the county community by the urban movement are at present most fundamental. The growth of urban communities within the counties intensifies every one of their problems. The need for present radical and thoroughgoing change in the county system is the result of such changed conditions. Changes in organization and functional scope



have been most rapid in the city counties. And just here where county action is most vital, attention is preoccupied by the city government, with its functions affecting more directly the welfare of the people.

The popular conception of a county is that of a rural unit, but the typical county is essentially urbo-rural. As late as 1870 one-quarter of them contained no incorporated place, but at present barely one-tenth are without such. They are of a great variety of types differing all the way from the metropolitan city-counties to the most purely rural, through all intermediate grades. The county net is relatively complete. Recent additions were one-third in Oklahoma, and scattered among the new irrigation and mining states of the West, Northern Minnesota, and growing agricultural sections in the South. The time of wholesale creation is for most of the states long past, some older states having had practically no creations for a century. Only constitutional amendment can add to the number of counties in most states. The county net has responded in growth to the needs of an expanding people, but has not undergone changes corresponding to the concentration of population and the rise of urban communities. The only response to this change of the last quarter of the century has been the formation of a few city-counties; the more or less complete segregation of the larger municipalities from their counties; and some modifications in judicial organization and systems of legislative representation.

Even a casual glance at a county map of the United States shows certain features which aid in an understanding of its nature. They differ greatly in area from one section to another and within the same state. There has consequently been a tendency to reduction of size, the frontier counties often embracing what is now a whole state. After the appearance of constitutional restrictions on area the device of "unorganized counties" came into use, a score still existing in Texas and North Dakota. Many abuses of the legislative power to create counties had been experienced, both excessively large and unduly small areas being organized, and the constitutional limitations tended to standardize a type. The most common extent is from 400 to 600 square miles, given a radial distance convenient for a day's trip by highway—a matter of some importance under certain conditions, before the coming of the railroad, telephone, postal facilities and the development of local tax-paying agencies and



abstract offices made the methods of government less direct. And as the area has been rendered convenient as the county net spread, so in general the county is a unit in whose delimitation no important topographic or physical feature has been ignored. County boundaries, too, even in the oldest states are constantly being modified as redistributions of population and lines of communication change. But there is much arbitrariness in detail which cannot fail to have its effect upon political life. The constitutional provisions have tended to fix the county.

Mere statistics of the population of the governmental units in this country derive value from the fact that so many features of our political life are based upon numbers. And this is particularly true of the county because of its widespread and frequent use as a unit. Counties differ widely in numbers of population even as within the same state. They grow very unequally, many declining; while great changes of distribution occur owing to the rise of cities. And this latter is the factor producing the greatest variations in size. In some parts of the country the counties are more nearly alike, as in the South and Mississippi Valley, but in the urban northeast section and in the Far West they differ greatly. Constitutional provisions regarding minimum numbers have tended to standardize them, though to a less degree than in the matter of area. These are in general for the purpose of obviating too small counties such as could not readily support a county organization, and to do away with attempts to utilize the county's representative character. New York county with over two million is the largest; the smallest have a few hundred: but few are of these extreme sizes, more than half the whole number having from 10,000-30,000, with the typical county containing 18,000. The typical county has naturally tended to have an increasing population from decade to decade, altering its capacity as an electoral unit and the significance of the fee system adding statutory offices and deputies to the organization while the constitutional outline was preserved, thus changing its essential nature but not its external form and giving it the appearance of an organization merely growing to its present form, and changes in conditions and methods of functional activity, *e. g.*, charities, courts.

Probably the best basis for a classification would therefore be upon their distribution of rural and urban conditions. Mere numbers of population do not always indicate even such conditions, for many

almost wholly rural counties have larger populations than some largely or even wholly urban. And under present conditions of our American society *conditions* rather than mere *numbers* must be taken into account; a truth not so apparent for earlier periods. There are wholly urban counties such as Baltimore, New York, St. Louis; counties with a large city and suburban rural fringe, for example, Cook (Chicago), Hamilton (Cincinnati), Wayne (Detroit); those with a medium-sized or small city and a predominating rural population, for instance, Dane (Madison, Wisconsin); and lastly those with only country towns or wholly rural. There are some hundred and twenty-five counties in which a single city has more than half the population, this being the case with all cities over 100,000 and the majority of those above 25,500. The predominancy of urban population and conditions is even more marked if the total urban population of the counties rather than a single unit is taken. On the other hand, some ten per cent of the counties have no incorporated place—a number rapidly being reduced. Probably one-half of the counties contain no place of 2,500 people. Dr. Fairlie, referring to conditions in 1900, estimated that five-sixths were rural, *i. e.*, contained no place of 8,000 up. It is clear that the economic and social basis of county government and politics is being radically transformed, while a constitutional fixity and political apathy maintains the unit and its formal organization and powers intact. Interesting special problems arise, for instance, in the black counties of the South, in the city-counties, in industrial metropolitan districts, in mining counties.

The political and governmental machinery of such communities is truly paradoxical. Constitutional fixity, combined with radical internal changes of economic and social nature, together with the incorporation of the county into the larger systems of the state government and party organizations, result in a situation of great complexity, aptly termed by Mr. Childs—the “county jungle.”

The organization of the American county of to-day has all the principles embodied in other phases of our government, in an extreme and constitutionally fixed form. It has grown out of the colonial county by changes of form provided for by constitutional measures, rendering it elective, freeing it from state control, differentiating new offices out of the earlier organization of judge, sheriff and bench of justices, and adding in practice and by legislation a mass of boards,



commissions, minor administrative offices, and deputies, to answer the needs of increasing population. Amid much variety in organization from state to state, and for different classes of counties within the same state, the typical county may perhaps be found. The scope of the organization naturally depends upon the functional capacity of the county from place to place. The most attenuated organizations are found in New England (*e. g.* Rhode Island) and Georgia; the most elaborate is probably that of Cook county (Chicago). A county board; a court, or courts; a number of administrative offices, are typical elements, to which may be added the party committee. The sheriff, clerk; almost always the treasurer, attorney, coroner, surveyor, school superintendent, are the constituent officials. Other officers are found in some states (tax-collector, assessor, auditor, public administrator, physician); certain traditional officers are sometimes missing, officials of other units acting (coroners, recorders of deeds, attorneys); consolidation of offices, in less developed states has occurred (various clerkships; district and probate courts; treasurer and auditor and assessor; sheriff and tax collector); the city-counties sometimes merge the council and board, and, as often with counties containing large cities, have a differentiated judicial system. Other variations are the result of special legislation of the present, or remaining in force from a period preceding constitutional limitations (*e. g.* in Maryland); or of elaborate classification, permitted by the courts (*e. g.* California); while constitutional permission of local option in the type of board (*e. g.* between supervisor or commissioner forms in Illinois, or as between numbers 3, 5, 7, for a commissioner board, as frequently in the West) gives further occasion for difference. A number of states beginning with Wisconsin (1848) require the legislature to provide a "uniform system," and usually county organization must at least be provided for by "general law." The constitutional provisions which appeared in the first years of our national history tend again to standardize the general form of the county, and to give it fixity. Otherwise it is under legislative control, with the courts favoring liberal interpretation; certain referendial options being granted, as indicated above, but in general little self-organizing power being granted. The California amendment of last year is exceptional. All the chief principles of the constitutional provisions were established before 1850, the years from 1820 on being those of greatest



structural change; a few constitutional amendments supply the only attempts at adaptation to later conditions. These provisions refer only to structure, however, and important statutory changes have occurred by shifting of functions. In certain states the legislatures are almost entirely left in control (*e. g.* Iowa); the boards are very frequently not constitutionalized. In general, then, county organization has grown in accordance with our usual principles of governmental evolution and with some adaptation to special changes and conditions, though only partial adaptation in New England and in the South.

Our county is a growth out of an original judicial organization, by a process even now going on in the South (*e. g.* Georgia). The administrative and properly judicial agencies have, however, been very well differentiated, the county being now usually primarily an administrative unit and agency, and not always coterminous with court areas, except in so far as universally the administrative offices of the courts are county officers. There is in some states west of the Mississippi no specifically county judge either of general or special jurisdiction, districts being the rule owing to small population, and in New England probate is often a town matter. But with completer settlement the county is in a very large number of cases the judicial district. And the importance of the administrative officers of the courts (sheriff, attorney, coroner, clerks) in the process of justice, law and order must not be underestimated.

Except in a few cases (the Cook county president, supervisor in New Jersey, the Georgia ordinaries, the supervisor in South Carolina) no legal chief executive can be said to be provided. The chairmen of the boards, whether under the supervisor or commissioner plan, and more especially the presiding judges in the South, or the chief financial official, as the treasurer or auditor, or even the sheriff, have a position of greater influence than others. Dr. Fairlie has suggested the union of the powers of the sheriff and board-chairman to create a real chief. Nor must the chairman of the county party committee be ignored. Occasionally, too, there is a county "boss" who may be any or none of these. But the county is not so disorganized as it seems. Party selection provides some connection between these officials almost universally elective. And where changing party color, non-coincidence of terms, and the like occur, bipartisan arrangements are in practice possible and usual. The fee-system,

too, has operated to loosen the organization, but its elimination or modification in favor of the salary system, over which the boards have more or less control, and the financial officers some check, tends to some control. It is along the lines of party and financial control that the organizing principles of the county system must be looked for.

In all states, except Rhode Island and Georgia, there is regularly a county board. In a few cases another body acts, *e. g.*, the town selectmen in Nantucket; the city councils in consolidated counties. Unlike central and municipal legislative bodies it is unicameral. But Indiana has a dual board (county commissioners and county council), New Hampshire and Connecticut have their "conventions" of county legislative representatives; Pennsylvania (and a few Michigan counties) has the board of auditors; and some other special cases occur. The board's powers are administrative (decision of details in the application of state legislation, minor ordinance power, appointments), rather than legislative; in a few states (Massachusetts, Connecticut, New Hampshire) they have no power to levy taxes. Regularly, too, they act in some form as election boards, jury commissioners, boards of review, board of health, etc., but there is a distinct tendency, especially in the larger counties, to create for these purposes special boards,—a movement which will leave the board more to matters of policy. The county is now in the "board stage," the first to develop and become more independent (as in the case of municipal organization) being the financial boards. These latter, too, are often elective (*e. g.* in Cook county) like the main board, not appointive as are other special boards. The clear rationale of the development of county organization both with reference to the board, and also as concerns the differentiation of the treasurer, auditor, tax collector, out of the original office of sheriff, has been that of financial control.

Short terms characterize the county, two years being the typical, with four years common, especially in the South and West; one year occurring in New England, and three and five years in the Middle Atlantic States; six and longer being quite exceptional. The financial officers and the chief officers of judicial administration (excluding judges and clerks) have in general the shortest terms. The constitutions frequently prohibit, by a variety of methods, immediate re-elections especially for the treasurer and sheriff, but



in a few states (*e. g.* Washington) applying it to all county officers. Board members are usually exempted from such restrictions. Various means have been found, however, to circumvent these restrictions, and where none such occur selections of county officials, especially for boards, judges and clerical offices, are very frequent, at least for a second term, and often for considerable periods. Non-coincidence of terms of the various officers is common in the states north of the Ohio and east of the Mississippi, but space is lacking for its discussion. The county is in the hands of amateurs temporarily in office, though experience shows the deputy staff to be quite permanent. The clear tendency is to the development of a professional deputy staff, the chief offices being temporarily filled by men whose business interests are more or less directly affected by the particular office held.

Only superficially are the chief county officers to be regarded as popularly elected—they are rather selected by party (which means the local committee); and appointment dictated frequently by party expediency, is the real method of selection of deputies. The larger the county the more true this is likely to be, for the large subordinate staff then becomes politically more vital than the formal constitutional heads. Appointment of chief county officers rarely occurs in the United States, vacancies being the only places at all regularly filled by this method, and even here it is giving place to "special elections." Removal is, in accord with general American practice, usually by formal trial, occasionally the governor (as in New York, Wisconsin, etc.), or governor and legislature (as in Washington and Oregon), the attorney-general (as in Iowa), or the supreme court, as in other cases, being given power to remove, or suspend. The very frequent "resignations" occurring, and the very infrequent removals show the way out in practice. The "recall" may now enter as a factor.

Incompatibility of office as between the various phases of our governmental system is commonly provided for, postmasterships being excepted. In its origin employed as a method of lessening multiple office-holding, and to separate the legislative from the judiciary and county officials, it has been later used to further party organization, and give local self-government. State legislators and executive officials are now very commonly recruited from men experienced in county politics and administration, more especially as attorneys, and members of the boards.



The legal qualifications for county office are the usual ones of citizenship, residence; and the disqualifications, those of pauperism, crime. But in practice many qualifications appear; probably the chief of which is party allegiance. The property qualification has been almost universally eliminated, the bond having taken its place. Custom more or less in different sections decrees that coroners shall be medical doctors; judges and attorneys, and even sometimes court clerks, shall be lawyers; school superintendents, school teachers; and sometimes such qualification is legally provided for. Practice is making very frequently treasurers to be bank officials, sheriffs to be livery or garage keepers, coroners to be undertakers, board members to be merchants. Close study should be given to personnel from this point of view. Women, especially in the Middle states and West, appear largely as school officials, less frequently as recorders, registers of probate, court clerks, treasurers, auditors and some as probate judges. Deputies tend to become chief officers of their departments. In general, the county offices throughout the United States tend to be occupied more and more by men (and women) of the professional clerk class, and by business men whose interests are in some way affected.

Elections for county offices are regularly held at the time of the general elections in November. There has been little attempt to separate them and there are some reasons why they should not be, chiefly because of the county's relation to the state administrative system. Naturally the county officers are on the "blind end" of the ticket. Party regularity of an extreme form in the votes for county officers is the result. The personnel of the officers is also affected, and the party finds the county end of the ticket a most valuable asset, especially as the county offices, whether under the salary or fee system are abnormally well paid on the average for clerical positions, and some of the offices bring perquisites which are large.

The county organization being thus peculiarly adapted to the perpetuation of many things inconsistent with present institutional ideals, its powers may be shown to have a no less vital bearing. The functions which our counties exercise are in general those of its English model: administration of justice, law and order, elections and taxation. Its corporate character is American; and to its general powers have been added probate (transferred from ecclesiastical to secular control), public record of titles, public charity,

public survey, public prosecution of crime, a wider scope of elections, and later education, highways, and party activity. Its use as a military unit has in great measure become obsolete: coequal units of population have become widely used for representative purposes and judicial jurisdiction; elections have been decentralized to precincts, owing to new habits and principles of political life. The general scope of powers thus accorded the county embraces practically all the *regulative* functions granted to the states, and the local self-government of the county makes the American situation unique. For in England and the colonies the control over these local functions of government—without whose relatively efficient exercise no civilized society can exist—was highly centralized. Our forefathers fought for local control over them and won it, though in the history of the colonial struggle this has been neglected. During the period of frontier expansion they were those needs of government absolutely essential, and the formation of counties kept pace with settlement. Owing to the nature of the county as a community, and the changes in its economic and social condition, and political life, popular attention has been diverted, and governmental reform focussed on activities more directly affecting the welfare of society and the daily living conditions of the average individual. The effect of the constituent county functions, formal and regulative as they are,—justice, law, order, titles, public record—is scarcely at all upon the average citizen of to-day, but is rather upon society in general and over longer periods of time. Compared with municipal and state problems the county lacks directness, picturesqueness, and hence attention. Many phases of county activity cannot be estimated by using expenditure as an index, and hence the financial appeal is lacking. Since the radical changes in methods of exercise of the chief county functions brought about in the early constitutions of the states, such as in the administration of justice, rules of inheritance, abolition of traditional practices in the coroner's office, etc., and the addition of new functions mentioned above, little change in the law governing county activities has occurred. Some state administrative control has developed over the welfare functions such as education, roads, charities, and over taxation, health, elections. Segregation of the larger municipalities has withdrawn the cities from their jurisdiction. And, as a result of growing inefficiency induced by the changed nature of the county life, powerful private agencies have developed to perform for the

community such functions as protection of life and property, record and abstract of land titles, administration of estates, surveying. These naturally have an interest in the maintenance of the *status quo*, while the apathy of the electorate and the activity of office-holders and classes especially interested in county functions, contribute to maintain the county as it is.

The American county occupies a vital place in the present problem of our government and politics; but it is a unit of peculiar difficulty either for investigation or reform.



## COUNTY GOVERNMENT IN NEW ENGLAND

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The county in the New England states as a territorial unit was established almost as early as the county in the Southern states. In both sections the original purpose of the county was the creation of a suitable district for the efficient administration of justice. While in the Southern states the county soon came to assume large powers in general administration, in the New England states the county developed little beyond the sphere of judicial administration. The local autonomy of the town hindered the development of the powers of the more artificial district of the county. The creation of the counties in all the New England states was made by the colonial or state legislatures at an early period when the town was sufficient for all recognized governmental needs.

As early as 1666 the General Assembly of Connecticut divided the commonwealth into four counties for judicial purposes. The five counties of Rhode Island were all incorporated between 1703 and 1747. Here they were regarded merely as judicial districts and they continue, up to the present time, in that capacity only. In New Hampshire the five original counties of Strafford, Rockingham, Hillsborough, Cheshire and Grafton, upon the recommendation of Governor Wentworth, were created by the legislature in 1771, for the purpose of judicial administration. All but two of the present fourteen counties of Massachusetts were incorporated before the Revolution. Nine were created before the close of the seventeenth century. Essex, Middlesex and Suffolk counties were established as early as 1647. In Maine, naturally, the counties are of later origin. From the original county of York the General Court of Massachusetts first created the counties of Cumberland and Lincoln in 1760, and in 1789 it created the two additional counties of Hancock and Washington. Ten years later the county of Kennebec was formed. All the remaining counties in Maine were incorporated in the nineteenth century and all but Oxford and Somerset, established in 1805 and 1809, respectively, were organized after Maine became a separate state (1819).

Vermont prior to the Revolution was divided into four counties. Of its present fourteen counties all except three were incorporated before the year 1800.

The county in New England, as in other parts of the United States, is a legal corporation for limited purposes. The New Hampshire, Massachusetts and Connecticut statutes define specifically the legal status of the county. The Massachusetts law with precision defines the county as, "a body politic and corporate for the following purposes: to sue and be sued; to purchase and hold, for the use of the county, personal estate and land lying within its limits, and to make necessary contracts and to do necessary acts relative to its property and affairs."

The county in the United States is commonly organized in the following ways: as a judicial district, as a police district, as a probate and land registry district, as a poor relief district, as highway district, as a school district, as a sanitary district, as an election district and as a fiscal district. In New England the county is in no state organized as a school district, or as a sanitary district. In Vermont only does the county act as a highway district, and here it is merely supervisory over the towns. In one state, New Hampshire, the county is organized as a poor relief district. In three states, Maine, Massachusetts and New Hampshire, the county is the legal district for probate and registry of land. As an elective district it is recognized in all of the states of New England. The county is regarded as the unit for canvassing the returns for state offices, though the towns, themselves, constitute the returning districts. The county, except perhaps in a few densely populated districts, does not share in the party organization. It is, however, an independent elective district for the election of county officers in all states except Rhode Island. In three states, Massachusetts, Vermont and Rhode Island, the county is recognized, to some extent, as an elective district in representation in the senate of the state. With the exception of Rhode Island, in all of the New England states the county is an independent fiscal unit, discharging its own financial obligations and raising its own taxes. In all of the states, the county is organized as a judicial district, and it is in this capacity that it performs its chief function, though here it acts rather as an agent of the state than as an organization for the conduct of local administration.

As a judicial district the county is recognized by the laws of

the states in the creation of civil and criminal courts within the county, which are, in general, presided over either by judges elected by the county, as in the case of Vermont, or by the judges of the superior or supreme court, assigned to county judicial districts, as in the case of Maine, Massachusetts, New Hampshire and Rhode Island. In Connecticut there is a double arrangement. In each of the five counties the common pleas courts have jurisdiction within a single county, while the superior court has sittings in all of the counties. The superior, or supreme (Maine) court judges who sit as county judges in all of the New England states except Vermont, are appointed by the governor and council, in Maine, Massachusetts, New Hampshire; and by the legislature in Rhode Island and Connecticut. They may be removed by the governor upon an address of both houses of the legislature. There is no provision for the removal of county judges who are elected for two years in Vermont. The short term, however, acts as an obligatory referendum upon the question of their removal. The long term, appointive, judiciary has constantly shown its superiority over the short term elective method of Vermont, but when, for any reason, an office has been made elective, no matter how inefficient such a method proves to be, it is practically impossible, owing to the opposition of the politicians, to again make it an appointive office.

In all of the states there is a clerk of court for the county. This officer is appointed by the judges of the court which he serves, in the states of New Hampshire, Vermont, Rhode Island and Connecticut. His term is, in New Hampshire for an unlimited period, in Vermont two years, in Rhode Island three years and in Connecticut one year. In Maine the clerk of the court is elected for four years and in Massachusetts for five years. He is, in each case, required to give bond, approved either by the court, or the governor and council, for the faithful performance of his duties. The efficiency of the court is, in no small measure, dependent upon the clerk. The New Hampshire method of appointment by the court for an indefinite period gives greater assurance of competent service.

In the states of Maine, Massachusetts and New Hampshire, where the county forms a district for probate administration, there is a judge of probate. In Maine he is elected for four years. In Massachusetts and New Hampshire he is appointed by the governor and council, for an indefinite term. In Vermont and Connecticut



judges of probate are elected biennially in districts smaller than the county. The removal of judges of probate may be accomplished by an address of both houses of the legislature in Maine, Massachusetts and New Hampshire. The appointment of a judge of probate is manifestly a better method of selection than that of popular election.

Registers of probate are elected by the voters of the county, in Maine, Massachusetts and New Hampshire. In Maine the term is four years, in Massachusetts five years and in New Hampshire two years. Registers of probate are required to give bonds, approved by the court. They may be removed by judge of probate in Maine, and by the supreme court in New Hampshire and Massachusetts. These officials also furnish bonds approved either by the court, or by the county commissioners. Registers of probate are purely administrative officers and as such might better be appointed than elected. Though the practice, where they are elected, is, in general, to continue them in office for a long term of years, yet it frequently happens that a most efficient man, with change of party, is removed, with great detriment to the efficiency of the office.

The sheriff is the oldest of the county offices. It existed under the colonial government and was, like the sheriff in England, an appointive office. It was not until the middle of the nineteenth century that it became an elective office in the New England states. In New Hampshire the change was not made until 1877, while in Rhode Island the sheriff is still an appointive officer, being appointed by the legislature. In all of the states except Rhode Island the sheriff is at the present time elected by the voters of the county. His term varies, being two years in Maine, New Hampshire and Vermont; four years in Massachusetts and Connecticut; five in Rhode Island. The sheriff may appoint one or more deputies who are responsible to him; though they, as well as the sheriff, are obliged to give bonds acceptable to the court, in New Hampshire, Vermont, Massachusetts and Rhode Island; to the county commissioners in Maine, or to the governor in Connecticut. Bonds required of sheriffs are generally large, being \$30,000 in New Hampshire and from \$25,000 to \$40,000 in Maine. In the other states the amount of the bond is less. Sheriffs may be removed by the supreme or superior courts in New Hampshire, Massachusetts, Rhode Island and Connecticut; while failure to give required bond vacates the office in Maine and Vermont. The duties of the sheriffs, in the main, like

those of the judges pertain to matters of state-wide rather than county concern. For the best interests of the state the appointment and compensation of the sheriff should be under the control of the central authority of the state.

The state's prosecuting officer in the county, variously styled, prosecuting attorney (Vermont); state's attorney (Connecticut); district attorney (Massachusetts); county attorney (Maine); county solicitor (New Hampshire), is, in all the states except Connecticut, an elective officer. In Massachusetts, the district from which he is elected is the judicial district and does not coincide with the single counties. In Suffolk county, which includes the city of Boston, there are two district attorneys, and it is now proposed that there be three. In Connecticut the state's attorneys, so called, for the various counties, are appointed by the superior court. The term of the county attorney is two years in Maine, New Hampshire, Vermont and Connecticut, and three years in Massachusetts. He may be removed by the action of the court in New Hampshire, Massachusetts and Connecticut. In Maine and Vermont action may be taken on county attorney's bond in case of misfeasance. The county attorney is obliged to give satisfactory bonds to the court, for the fulfilment of his official obligations. The county attorney may be considered in the same class also with the judges and sheriffs, in that his principal function is to act for the state in the enforcement of laws. Much of the present failure in the punishment of crime is due to the weak character of the county attorneys under the short term elective method. There is no office where the need is greater that it be put out of politics than the county attorney, while probably no office at the present time is more active in politics than this same office.

The officers having charge of the general, or local, administration of the county in four of the five New England states, where the county exists as a fiscal and administrative unit, are the county commissioners. In the fifth state, that of Vermont, the two assistant county judges act in the capacity of commissioners in the administration of county affairs. The board of county commissioners in each of the states of Connecticut, Massachusetts, Maine and New Hampshire consists of three members. In Massachusetts, Maine and New Hampshire the commissioners are elected upon the same suffrage basis and at the same time as state officers. The same is



true of the two county judges in Vermont who act as county commissioners. In Connecticut the commissioners are elected by the two houses of the legislature. The term of the commissioners varies, being two years in New Hampshire, three years in Massachusetts, four years in Connecticut and six years in Maine. The term of the county judges in Vermont is two years. A further difference in organization is seen in the manner of the renewal of the board of commissioners. In New Hampshire and Vermont there is an entire renewal of the board, the members all being elected at the same time. In Massachusetts one member is elected to the board each year and in Maine one every two years. In Connecticut the commissioners are elected, one at one biennial election, and two at the next. In Maine the county commissioners appoint a person not of their number to act as clerk. In Connecticut and New Hampshire one of the commissioners serves in this capacity, while in Massachusetts and Vermont the clerk of the court performs the duties of clerk.

The powers of the county commissioners in the New England states are considerably more limited than those belonging to the same office in the Middle and Southern states. In Vermont the two judges acting as commissioners are confined in their duties almost wholly to matters pertaining to the judicial administration of the county and the fiscal matters connected with the courts and jails. The county commissioners in Connecticut possess little more power; here the main functions are: care of county buildings, supervision of jails and the county home for dependent children, repair of highways and supervision of liquor licenses. In Massachusetts the county commissioners have comparatively few powers outside of those connected with the administration of justice. In New Hampshire the powers and duties of county commissioners are: custody of the county property, care of county buildings, care of county paupers, appointment of superintendent and other officers of the county farm, jail and house of correction, the purchasing and selling of real estate in connection with the county farm, court house, jail, or for other county uses; auditing claims against, or for, the county; issuance of county bonds when authorized by the county convention; authorization of the making of public records. In Maine somewhat larger powers are granted to the county commissioners. The most important of such powers is that of determining the county



estimates and causing the taxes to be assessed in the various towns to cover the amount of county expenditures. In addition to this the county commissioners have the following powers: auditing the accounts of the receipts and expenditures of the moneys of the county; representation of the county in all legal matters; caring for the property and managing the business of the county; laying out, altering, or discontinuing public highways; repairing of court houses and jails; providing for the safe keeping of public records of the county; examination of jails; provision for employment of prisoners and borrowing of money not to exceed \$10,000 for use of the county.

Vacancies in the office of county commissioners are filled by the governor and council, in Maine and Massachusetts; by the supreme court in New Hampshire and by the governor in Vermont and Connecticut. A commissioner may be removed for official misconduct by the supreme court in Maine, New Hampshire and Massachusetts. In Connecticut the state treasurer may require a new bond of a commissioner at any time and failure to comply with such demand is made equivalent to resignation on the part of the commissioner. County commissioners are in all cases required to furnish bonds approved by the higher court or by the state treasurer. A larger degree of "home rule" for counties in purely administrative matters is desirable. This could be accomplished without detriment to the state if a separation should be made between the functions in which the county acts as a state agent, and those in which it acts primarily, for the welfare of the county. If the state assume the financial burden of judicial administration, as it quite generally does in New England, the general administration may be left to the county without legislative interference. The organization of the board of county commissioners as it exists in Maine, one member being elected biennially for a term of six years, is best adapted for the securing of good men, efficient service, and continuity of public policy in county affairs. This system has been in operation in Maine since 1882. In New Hampshire where there is the opposite policy, of short term and total removal of the board, there have been repeated attempts to secure the adoption of the Maine plan. A bill providing for this method was introduced into the New Hampshire legislature for 1913 but without avail.

The county treasurer, which is found in all the states except

Rhode Island, is elected in Maine, Massachusetts and New Hampshire; and appointed in the other two states. In Vermont the two commissioner judges appoint the treasurer and in Connecticut the board of commissioners appoints him. His term is short in every case, being for three years in Massachusetts and two years in the other four states. Besides making the treasurer accountable through a short term, the laws of every state go into great detail as to the method of keeping accounts and rendering reports. The bonds required of the treasurer are fairly large. In all the five states the treasurer's bonds must be approved by the county commissioners. Appointment to vacancies in the office of county treasurer is usually made by the county commissioners. The method of removal, when provided, is by the courts. Inasmuch as the county commissioners are the responsible agents of the voters of the county, in conducting the business of the county, the appointment of the county treasurer should be placed in the hands of the commissioners, in order to centralize financial responsibility. This would be merely extending the principle under which the commissioners at present are required to approve the bonds of the treasurer, and appoint to fill vacancies. The concentration of fiscal power in the hands of the county commissioners might well be supervised on the part of the state through appointment of a county controller by the governor, as is now the method in Massachusetts.

Central supervision over the accounts of the county is secured through the appointment of county auditors in the states of New Hampshire, Vermont and Connecticut and of county controllers in Massachusetts. In New Hampshire, the county auditors, consisting of two persons, one from each of the leading parties, are appointed annually by the supreme court. These officers are required to examine and audit the accounts of the county commissioners, superintendent of the county farm and county treasurer. In Vermont the two commissioner judges appoint the county auditors, one from each county, for a term of two years. Their duties are similar to those of county auditors in New Hampshire. In Connecticut two county auditors, representing different parties, are appointed by the county convention at the time of the biennial session of the legislature. These auditors are required to examine and audit the accounts of the county commissioners, county treasurer and jailor for the current fiscal year and the proposed budget for the next fiscal year. County



controllers in Massachusetts are appointed, one for each county, by the governor for three years. Three deputy controllers may be appointed by each controller.

The responsibility for the financial budget of the county varies in the five states, where the county exists as a fiscal unit. In Massachusetts the general court upon the recommendation of the county commissioners approves the expenditures of the respective counties. The county commissioners are authorized to apportion the county taxes according to the latest state valuation and to certify to the assessors of the several cities and towns their respective proportions of the county tax. The taxes are collected by the town or city treasurer and upon warrant from the commissioners are paid into the county treasury. In Vermont the two assistant county judges determine the budget of the county and fix the rate of taxation which the towns are obliged to levy for county expenses. In Maine the determination of the fiscal needs of the county and the rate of taxes necessary to meet such obligations devolves upon the county commissioners. In both Connecticut and New Hampshire there is a somewhat peculiar political body which has control of county finances. This body is known as the county convention. In Connecticut it is composed of those members of both houses of the state legislature who are elected from any given county. In New Hampshire it consists of the representatives of the towns of a given county in the house of representatives of the state legislature. In Connecticut the county convention of the various counties may not only vote the general amount of the county appropriations, but, as well, the appropriations for any specific items of county expenditures for the two fiscal years next ensuing, or for the repairs and alterations of county buildings during the same period, and it may lay any tax upon towns of the county for any county purpose, provided such tax be in proportion to the assessed valuation of the towns. In New Hampshire the convention upon the recommendation of the county commissioners, votes the amount of county taxes to meet the necessary appropriation for the next two years, but the tax for each year is voted separately and must be collected separately. The clerk of the county convention returns a certified copy of the record of the proceedings of the convention to the clerk of the county commissioners. The clerk of the county commissioners then transmits to the county treasurer a certified copy of every vote for raising the



county tax. In none of the New England states is there a separate office of county clerk. Wherever there is need of such an officer his duties are discharged by the clerk of the court, either county, or superior.

The register of deeds as a county office is found in Maine, New Hampshire and Massachusetts. In the other New England states the function of recording wills is performed by the towns. In the three states in which the office of register of deeds is a county office, it is elective. The term is four years in Maine and two years in New Hampshire. The number of registers in Massachusetts varies in the different counties, from one to three, and the registers are elected by the voters of each registry district. In New Hampshire and Maine counties may be divided into two registry districts. In case of such division in New Hampshire the voters of each of the districts formed elect a register. In Maine if there are two districts the register appoints a clerk to act as register in the district outside the shire town. Vacancies are filled in the office of register of deeds in the following ways: in Maine by the governor and council, until the next regular election; in Massachusetts by the county commissioners until the next annual election; in New Hampshire by the supreme court to fill out the unexpired term. The register of deeds may be removed for misconduct or incapacity, by the supreme court in Maine and New Hampshire and by the county commissioners in Massachusetts. Registers of deeds in all three states are required to give bonds approved by county commissioners.

Coroners, or medical referees as they are called in New Hampshire, are regarded as county officers in Maine, New Hampshire and Connecticut. In other states they are town officers, though generally appointed by the state. In Maine and New Hampshire they are appointed by the governor and council, for an indefinite term in Maine, and for five years in New Hampshire. In Connecticut appointment is made by the superior court for a period of three years. In Maine and New Hampshire there is one, or more, coroners for each county, while in Connecticut there is but one appointed though the coroner may appoint medical examiners, one for each town. In Massachusetts medical examiners are appointed for seven years, by the governor and council. The number here varies with the county. In Maine bonds approved by the county commis-

sioners are required of coroners. In Connecticut, the superior court judges may remove coroners for cause and appoint successors.

Other county officers which exist in only one state are: in Vermont deputy clerk of the court, appointed by the judges of the county court; high bailiff elected for two years, probation officer appointed by the county court judges; three jail commissioners and three road commissioners also appointed by the county judges. In Connecticut there are three jury commissioners and a health officer appointed by the judges of the superior court. The county commissioner also appoint prosecuting agents to prosecute violations of the liquor laws. In New Hampshire, there is a superintendent of the county almshouse appointed by the county commissioner.

From this brief account of county organization in New England it is plainly evident that to speak of "county government of New England" is erroneous, if such designation connotes county organization of a uniform type. The variations in number of county officials, in mode of election, in term, in state control and in powers, are probably greater than in any six states taken together in any other section of the country.

In spite of the variety of organization of county government in New England there are a few generalizations that may be made respecting it. In New England the function of the county is largely restricted to the administration of justice, and in consequence, the number of county offices is less than in other states. Appointment of county officers, particularly those connected with the courts, more generally prevails here than elsewhere. State administrative control, seen in methods of appointment, removal and bond requirements, is more pronounced in the New England states than in those outside of this section. But the most marked difference between county government in New England and elsewhere, is that which has often been pointed out, namely, fewer functions performed by the county in the New England states owing to the unusual importance of the town.

Advocates of the "short ballot" are finding in county government an important sphere for its application. This is due to the fact of the large number of elective county offices in most states and, also, to the fact that the duties of county officers, are mostly clerical and administrative. The need of the "short ballot" reform is less urgent in county government in New England than in many states outside



of this section, but even here it would be an aid to efficient administration. Three of the New England states especially need such reform in their county system. These are Maine, New Hampshire and Vermont. In Maine, with the exception of the coroner, all of the eleven county officers are elected. The fact that these are elected for fairly long terms mitigates somewhat against the evils of the elective principle. In New Hampshire all of the county officers, except the judge of probate, clerk of court and medical referees, are elected. Their term is particularly short, being for two years only. In Vermont, with the exception of the clerk of court and register of probate, all county officers, including the county judges, are elected for two years. In the other three New England states the principle of appointment is more generally employed. Of the ten classes of county officers in Massachusetts four are appointed. The six that are elected are: county commissioners, register of probate, register of deeds, clerk of the court, district attorney and sheriff. Of the ten classes of county officers in Connecticut the sheriff is the only strictly county officer that is elected by popular vote. The probate judge not a county officer in Connecticut is also elected. In Rhode Island the only two county offices, namely, county clerk and sheriff, are elected by the legislature.

Bringing together the best features of each of the New England states, an organization of county government may be formed, which might serve somewhat as a model. Such organization would borrow from New Hampshire and Massachusetts the system of superior judges appointed for life acting as judges of the county. The clerk of the court would be appointed by the court for an indefinite term as in New Hampshire. The sheriff would be elected for five years following the method of Massachusetts and Connecticut. The question might be raised whether in a model organization of county government the sheriff should not be appointed either by the governor or by the superior court, but no New England state having such a system, that method can not be considered in forming a model from the existing methods. The Rhode Island method of election by the legislature does not commend itself as a wise general principle. The district attorney would be appointed, in accordance with the method in Connecticut, by the judges of the superior court. The judge of probate would be appointed by the governor for an indefinite term as is now the case in New Hampshire and Massachusetts. The



register of probate would be appointed by the judge of probate following the method now employed in Vermont. The register of deeds because of the present practice would be obliged to be elective. The longest term that could be given to that office and still adopt the method of a New England state would be four years. It is strange that this office, the work of which is so entirely clerical and routine, should everywhere have been made elective. The organization of the county commissioners in a model form would be a board of three, elected one, in each biennial election, for six years, the method now employed in Maine. The county treasurer being necessarily accountable to the county commissioners would be appointed by the county commissioners following the method of Connecticut. The county auditor would be appointed by the governor, the present method in Massachusetts. All other necessary county officials would be appointed by their superiors in order to secure official responsibility. This composite county organization based upon actual methods would provide for appointment of all county officers except sheriff, register of deeds and county commissioners. This organization would require the election of only three county officers at one time, being one less than that required by the new "short ballot" county government of Los Angeles county, California.

## PARISH GOVERNMENT IN LOUISIANA

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### *The Origin of Parish Government*

While local government in Louisiana does not differ in its fundamental features from that of the other Southern states, the system has a somewhat distinctive nomenclature. What in other states is called the county is officially designated in Louisiana as the parish, and in place of the usual county commissioners we find a body of men with similar powers termed the police jury. The term parish government as used in Louisiana has the same significance, therefore, as the term county government in other Southern commonwealths.

It is interesting, however, to note that for a brief period the political subdivisions were called counties. After the purchase from France in 1803 of the immense area then designated as Louisiana, the portion of this region south of the thirty-third parallel, embracing most of the present state, was organized as the territory of Orleans. The legislative council, at its first session in 1804-5, passed "an act for dividing the territory of Orleans into counties, and establishing courts of inferior jurisdiction therein." Twelve counties with vaguely defined boundaries and differing greatly in size and population were created. In a few cases the new counties corresponded in limits to the ecclesiastical district of the Spanish régime known as the parish, but more frequently several parishes were combined into a single county, and some counties were designated merely as groups of settlements. In 1807 the subdivisions of 1804 were abolished as units of local government, and the territory was redivided into nineteen parishes, so called because their boundaries were based in many instances upon the earlier divisions for ecclesiastical administration. The county, however, still survived for a number of years, but not as an institution of local government. The twelve counties of 1804 are several times enumerated in the first state constitution, adopted in 1812. This instrument arranged the state senatorial

districts by groups of counties, apportioned membership in the lower house of the general assembly by counties, and divided the state into two appellate judicial districts with six counties in each. In subsequent legislation, parishes and counties were both referred to, but the latter indicated only electoral districts and not centers of local administration.<sup>1</sup>

On December 10, 1810, William C. C. Claiborne, the territorial governor, issued an ordinance, in compliance with the proclamation of President Madison of October 27 of that year, extending the jurisdiction of the territorial government over the disputed west Florida region between the Mississippi and Perdido rivers. To this region the name "County of Feliciana" was given. In 1812 congress formally annexed as much of this area as lay between the Mississippi and Pearl rivers to the newly created State of Louisiana, and this district is still commonly designated as the "Florida parishes."

As a result of this enlargement of boundaries, and of a later process of subdivision, the number of parishes has grown from the original nineteen to sixty-four. The last division went into effect on January 1, 1913, when the so-called "imperial parish of Calcasieu," containing 3,629 square miles, gave up about three-fourths of its area to form the three new parishes of Allen, Beauregard and Jeff Davis. The names of the parishes have a close connection with the history of the state. The three just mentioned bear the names of Louisiana's war governor, of one of her Confederate generals, and of the president of the Confederacy. On the other hand, the parishes of Grant and Lincoln, organized in 1869 and 1873 respectively, are reminders of the days of Reconstruction. Acadia and Evangeline commemorate the immigration of the French exiles into Louisiana from Nova Scotia; Caddo and Tensas perpetuate the tribal names of aborigines; De Soto, LaSalle, Bienville and Iberville bear their names in memory of the early European explorers; while such names as St. John the Baptist, St. Mary, St. James and Ascension, which are applied to some of the original parishes of 1807, indicate their ecclesiastical origin.

During the first two years of the American occupation of Orleans territory, local government was administered by officials designated as civil commandants and syndics. When the territory was divided into counties, the civil commandants gave place to judges of the

<sup>1</sup> See, for example, the *Acts of Louisiana*, 1817, p. 66; and 1827, p. 26.



county courts and the syndics to justices of the peace. This change, however, was one of name rather than of functions. The judges of the county courts were charged with the duties of probating wills, acting as notaries, superintending roads and levees, and policing slaves. In 1807 the judge of the county court became the judge of the parish court. The rapid growth of population soon increased the functions of the local governments, and made it impracticable for a single officer to discharge such multifarious duties. It is unnecessary, however, to trace here the differentiation of local governmental functions and the multiplication of parish offices.

### *The Organization of the Parish Government*

For facilitating administration, the parishes are divided into from five to ten wards, and the general administrative and legislative functions are vested in a police jury, one member of which is chosen from each ward and additional members from wards with five thousand or more inhabitants. A police juror must meet all the residence and poll tax requirements prescribed for a regular voter, and in addition must be literate and possess, either in his own name or that of his wife, property in the parish worth \$250. The members choose a president from their own number, and are compensated for their services with per diem and mileage payments. Briefly summarized, the duties and functions of the police jury consist in supervising the construction and repair of public buildings, roads, bridges and dikes; clearing natural drains; removing floating timber, aquatic plants and other obstructions in navigable streams; regulating the roving at large of live stock; controlling businesses and places that come under the police power; levying parish licenses (the so-called "occupation taxes") and the regular taxes for the support of the parish government; establishing toll bridges and ferries, and fixing the rates on these when privately owned; protecting the parish against contagious diseases, and providing for the support of the poor.

The police jury is required to choose an official journal in which to publish the proceedings of its meetings. In addition it must publish a budget of expenditures for the coming year at least thirty days before the meeting at which it fixes the rate of parish taxes. It is forbidden by law to make appropriations in excess of the estimated revenue for the year, but it may issue interest-bearing certificates to cover the cost of public improvements which are to be paid for out of the revenues of succeeding years.

Special taxes for public improvements may be levied by a vote of the property taxpayers in the district affected. Such taxes may be voted by a parish, municipality or ward, or by specially created school, drainage or road districts. Bonds, limited to forty years and five per cent, may be authorized also for public improvements by the voters of the parish or any of its subdivisions, but may not exceed in amount ten per cent of the assessed value of the property of the district issuing them. In such elections resident women taxpayers may vote without previous registration and may cast their ballots in person or by proxy. The proposed tax or bond issue must have in its favor a majority of the voting taxpayers, and of their property as well. In addition to an *ad valorem* tax, road districts may impose a road tax of one dollar per capita upon all able-bodied men between the ages of eighteen and fifty-five years and a license upon vehicles and bicycles.

The state poll tax of one dollar per year, the payment of which for two successive years is made a prerequisite for voting, is retained by the parish in which it is collected for the benefit of public schools. The parish also retains the fines imposed in its limits for violation of state laws. Except in municipalities exempt by their charters from parish taxes, the parish assessor enrolls all property in the parish for state, parish and municipal taxation.<sup>2</sup> The sheriff is *ex officio* collector of state and local taxes, as well as guardian of the peace.

The other parish officers, whose duties it is not necessary to describe, are the treasurer, clerk, coroner, superintendent of schools, school board, board of health, justices of the peace and constables. All of these, except the treasurer and the superintendent of public schools, are elected by popular vote. The treasurer is chosen by the police jury, and the superintendent of schools by the school board. There is a justice of the peace and a constable for each ward. The justices of the peace have exclusive original jurisdiction in all civil cases in which the amount in dispute does not exceed fifty dollars, and in cases involving amounts between fifty and one hundred dollars they have concurrent jurisdiction with the district courts. Each judicial district consists of from one to three parishes, according to area and population, and for each district there is a judge, a clerk and a district attorney.

<sup>2</sup> The city of Baton Rouge, by a special constitutional provision, divides equally with the parish the net amount of the parish tax collected within its limits.



*"The Parish of Orleans Excepted"*

The preceding description of parish government does not apply in every instance to the parish of Orleans, which forms a part of the city of New Orleans. Consequently "the parish of Orleans excepted" is a stereotyped phrase in the constitution and laws of Louisiana. The parish of Orleans has both a civil and a criminal sheriff, neither of them being *ex officio* tax collector, as is the case in the country parishes. For this parish there are seven tax assessors, an equal number of state tax collectors, a register of conveyances, a recorder of mortgages and a judicial organization far more extensive than that of any other parish. As the entire parish forms a part of a municipal corporation, there is of course no need of a police jury or of constables and justices of the peace.

*Special Problems of Parish Government*

During the past decade the problem that has received the most attention from the parishes has been that of providing better school facilities. So great has been the educational awakening in the rural districts, that this problem is now well on the way toward solution. In 1900 the state surpassed all others in illiteracy; its educational system was poorly organized and still more poorly financed, and the typical country school was little more than a rude cabin. The school growth has been especially noticeable since 1906. The parishes have been rapidly discarding the ancient one-room schoolhouses for modern consolidated schools and are steadily increasing the number of school districts for the purpose of voting special school taxes. At the close of the year ending July 1, 1912, the number of consolidated schools was 227. In conveying children from the farms to these schools 280 wagonettes were employed and 6,621 children were transported. Of the total school revenues in this year of \$5,867,967, the sum of \$1,585,183 was derived from special taxes. On July 1, 1911, 1,221 schools were partly aided by special taxes, and in eleven parishes the special tax was voted for the whole parish.

Next in importance, perhaps, to the school problem, and to some extent interrelated with it, is the problem of good roads. It has always been recognized that the consolidation of country schools is impracticable if bad roads interfere with the transportation of pupils. A persistent campaign for better roads has been conducted for a number of years, and the state has undertaken to cooperate



with the parishes by establishing a highway department in connection with its Board of Engineers and by setting aside a small sum—in 1913, \$100,000—to be used by this department in supplementing parish appropriations for the construction of model highways. Road building in Louisiana offers peculiar problems; the level alluvial lands offer many drainage difficulties and furnish scant supplies of road-building materials. As an indication of the growing interest in road improvement may be cited the fact that during the week in which this article was written the police juries of St. John the Baptist, Tangipahoa and West Feliciana parishes held special meetings to discuss road taxes, the police jury of Lafayette ordered a survey of the principal roads of that parish with the object of levying a special tax for roads and qualifying for aid from the state highway department, and the police jury of East Baton Rouge called a special election to authorize a bond issue to complete a model road in that parish.

Drainage districts may be created in a manner similar to that prescribed for road districts. The drainage work is under the direction of five drainage commissioners, three being appointed by the police jury and two by the governor, and is financed by loans and a special tax on general property, or on land alone, the latter being known as an acreage tax or forced contribution. The control of the Mississippi River and its tributaries, while really a national question, should not be omitted from the list of local administrative problems in Louisiana. Very little of the drainage of the state flows into the Mississippi, which nevertheless brings the drainage waters of half the United States into southern Louisiana, and at its flood levels is a serious menace to a large section of this commonwealth. Not only is the cost of levee construction and maintenance a heavy burden, but the breaking of a levee, with its destruction of property and demoralization of industry, means a decline in tax assessments and an empty local treasury. The people of the alluvial districts, therefore, are earnestly advocating federal control of the levee system. The state expends a part of its general income (in 1911, \$336,930) for levee construction, and to this is added a large sum from local taxes. The regions subject to overflow are divided into fifteen levee districts, which raise by special taxation over a million dollars a year. In 1911 this sum amounted in round numbers to \$1,600,000, and it is derived from the following sources:

an additional *ad valorem* rate on general property, an acreage tax, a produce tax, and a tax on railways. The levee boards of the various districts are also empowered to issue bonds, and have done so to the extent of \$6,637,400.

Owing to the mild climate and easy means of securing subsistence, the care of paupers is not so serious a problem in Louisiana as it is in more northerly states. Only a few parishes maintain almshouses and the general rule is to furnish a small amount of outdoor relief—usually three or four dollars per month—to those on the “pauper list.” This system is subject to none of the abuses which have developed when it has been tried in more populous communities. The insane constitute a more serious local problem, perhaps, than do the paupers. Owing to the limited accommodations at the two state hospitals for the insane, a large number of these unfortunates are confined in parish jails.

Public health and sanitation are receiving increasing attention from the parish governments. Under the direction of the State Board of Health a vigorous campaign, with a “health train” and a corps of lecturers, has been conducted throughout the state and has reached the remotest villages and hamlets. The results are bearing fruit. Police juries are appropriating money to aid in the eradication of the hookworm and are providing for complete records of vital statistics. Another progressive step is the appropriation of funds by the parishes for farm demonstration work. This measure is rendered all the more desirable since the advent of the boll-weevil in the cotton regions has necessitated diversified farming and more scientific methods of agriculture.

The regulation of the liquor traffic in Louisiana is still mainly a local problem, as the state-wide prohibition movement has not met with the same response in this as in the neighboring commonwealths. In 1908 the friends of prohibition made a vigorous effort to secure an anti-saloon law, but without success. In that year, however, twenty-eight parishes were already “dry” as a result of local option, and this principle, combined with high license, has met with public approval. Several parishes have large towns in which the anti-saloon forces are in the minority, but which have been made “dry” by the country vote. The opponents of prohibition in such municipalities are advocating the segregation of the town or city from the parish in local option elections.



Closely associated with most of the foregoing problems is the problem of finance. The advent of the boll-weevil caused a great industrial disturbance in the cotton-producing parishes, accompanied by a depreciation of land values and an exodus of farm labor to more favored districts. In the decade 1900-10, nine parishes experienced a loss of population. The decline in tax assessments in some of these communities has made the raising of sufficient revenues a difficult matter not only for the parishes but also for the state, and has necessitated the confinement of governmental activities within narrow limits. The inadequacy of income is complicated by an unsatisfactory system of taxation. A rated tax on general property forms the chief source of revenue for both the state and the local governments, and the present methods of assessment result in great inequalities between parishes, between classes of property, and between individuals. The assessments of real estate in the different parishes range all the way from twenty to seventy-five per cent of the value of the property. In the parish of East Baton Rouge, for example, property is assessed at about fifty-five per cent of its real value, while in the adjoining parish of West Baton Rouge the proportion of assessed to real value is only about twenty-eight per cent. This is an evil which the State Board of Equalization, for obvious reasons, has been powerless to remedy. If assessments are to be equalized they must be brought to the level of those of the parish of Orleans. This parish's assessments cannot be reduced without raising correspondingly its already high tax rate. In order to bring all assessments to the Orleans level, that is to 75 per cent of the real value of the property, those of Avoyelles parish, for example, would have to be raised 85 per cent; those of West Baton Rouge 165 per cent, and those of Pointe Coupée 250 per cent. No one has ever seriously maintained that such a measure could be successfully executed. After six years of agitation for tax reform a constitutional amendment, providing for the separation of the sources of state and local revenues, so as to eliminate the inequalities in the assessments of the state tax, was submitted to the voters on November 5, 1912, but was defeated by a large majority. Friends of the amendment sought to demonstrate statistically that its adoption would annually increase the revenues of the parishes to the extent of one million dollars without raising the existing tax rate. To the principle of separate sources of state and local revenues no great objection was



urged, but many believed that the proposed plan would sacrifice the interests of the parishes for the benefit of the state treasury. Heavier taxes on certain classes of corporations and a progressive inheritance tax were also included in the measure, and as these aroused much opposition from the interests affected thereby they materially contributed to the defeat of the plan. Tax reform, therefore, still remains one of the most vital problems of both state and parish governments.

## COUNTY GOVERNMENT IN MISSOURI

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In Missouri the county is not only the chief district for local government but, aside from a few counties, it comprehends practically all local administration except that which is carried on in incorporated cities and villages and in local school districts. The southern type of county government was introduced during the territorial period and social, economic, and political conditions have prevented any important modification of the system.

After the Civil War, when there was considerable immigration into Missouri from the north central states, the demand arose for a division of functions between the county and incorporated townships. In 1872 the legislature enacted an optional law for township organization similar to one existing in Illinois. The system encountered great opposition, partly due to the charge that it was more expensive but chiefly because of conservative attachment to inherited institutions. A new act providing a much less developed type of township government was passed in the next year and this in turn was repealed in 1877. In 1879 a new law was enacted and this has continued in effect, being amended from time to time.

Under the present law any county may adopt township organization with the approval of a majority of the voters voting upon that proposition and may discontinue the system in the same manner. In counties which have adopted township organization the county remains the more important unit. As the township takes over the functions of assessment and collection, there is no county assessor or collector. The township has also some functions of highway administration. In other respects, however, the organization and powers of the county are unchanged. The system of township organization has never received wide acceptance in Missouri. Only 33 out of the 114 counties of the state have ever adopted the system, and the 20 counties in which it now obtains represent the widest acceptance it has received at any one time.<sup>1</sup>

<sup>1</sup> Its adoption has been confined chiefly to the western tier of counties south of the Missouri River and to a group of counties in the north central part of the

The five districts into which upper Louisiana was divided under the Spanish rule continued to exist after the Louisiana Purchase and became the original counties in the territory of Missouri. Fifteen additional counties were organized during the territorial period, of which five were in the district later organized as the territory of Arkansas. The subdivision of counties continued after the admission of Missouri as a state until at the time of the adoption of the present Constitution in 1875, 114 counties had been organized. In 1876, the city of St. Louis was separated from the county of that name and given all the necessary functions of a county which could be exercised in a city.<sup>2</sup>

The government of the county is carried on by a county court and a number of special executive and administrative officials. The county court is merely an administrative board possessing practically no judicial functions, its name having been inherited from an earlier period in which the administrative functions of the county were exercised by a judicial body. During the territorial period many experiments were made regarding the county board.<sup>3</sup>

The first legislature which met after the admission of the state established a county court of three members as the general administrative authority of the county. As in the territorial period, the elective principle was not recognized, the judges being appointed by the governor for a term of four years.<sup>4</sup>

state. These counties were the latest to be settled and thus felt the influence of northern immigration.

<sup>2</sup> The counties vary in area from Worth with 270 square miles to Texas which contains 1,145 square miles. The average is about 600 square miles. In nearly four-fifths of the counties the area is between 400 and 700 square miles. The legislature cannot change the boundaries of counties without the consent of a majority of the voters of all the counties affected by the proposed change. The population varies from 5,504 in Carter to 283,522 in Jackson which includes Kansas City. The average population excluding Kansas City and the City of St. Louis is 20,683. In more than two-thirds of the counties, the population is between 14,000 and 31,000.

<sup>3</sup> The English justice of the peace system was the original form introduced. This was soon modified by the establishment of separate financial administration under a county board of commissioners and district assessors. A county auditor later took the place of the commissioners. The system proved too complex for the primitive conditions in the territory and in 1813 there was again a consolidation of judicial and administrative functions, first in the local county court and later in the circuit court which displaced the former. Under this system, each circuit judge had charge of the local financial administration in all of the counties in his circuit.

<sup>4</sup> In 1825 there was a temporary reaction in favor of the justice of the peace system, but the county court plan was re-instituted by the next legislature in 1827. Four years later the offices were made elective. This continued to be the general form of county court until 1877, except that in 1855 the term was changed to six years, one judge being elected every two years.



During the period between 1841 and 1877, the general law governing the county court was changed by a large number of special acts applying to a particular county or counties. Some of these acts affected the functions of the county court, the most important being those which established separate probate courts and conferred upon them the jurisdiction over probate matters which under the general law belonged to the county court. By 1866 separate probate courts had been established in 79 out of the 114 counties.

Equally significant were the special acts relating to the organization of the county court. These were due to special conditions existing in some of the counties, such as small population, large cities and desire for representation of the townships on the county board.

The lack of uniformity and the other evils of special legislation led to the adoption of a provision in the state Constitution of 1865 prohibiting the legislature from passing any special law "for any case for which provision can be made by a general law."<sup>5</sup> Special acts continued to be passed, however, as the legislature held that it could decide when provision could not be made by a general law. As a result the Constitution of 1875 not only prohibits all special laws "where a general law can be made applicable" but makes the applicability of a general law a judicial question to be "judicially determined without regard to any legislative assertions on the subject."<sup>6</sup> The legislature is also specifically prohibited from passing any special law "regulating the affairs of counties," "creating offices, or prescribing the powers and duties of officers in counties" or "legalizing the unauthorized or invalid acts of any officer or agent of . . . any county."<sup>7</sup> The constitution provides, moreover, that the county court in each county shall consist of not exceeding three members.<sup>8</sup>

Under the provisions of the constitution the existing organizations of the county court continued until the legislature could enact a general law. This was done in 1877. The organization of the county court under this law was a compromise containing features from many of the special acts. There are three members—a pre-

<sup>5</sup> Art. IV, sec. 27.

<sup>6</sup> Art. IV, sec. 53.

<sup>7</sup> *Ibid.*

<sup>8</sup> Art. VI, sec. 36.

siding judge and two associate judges. The county is divided into two districts as nearly equal in population as practicable without dividing municipal townships. One associate judge is elected by the voters of each district for a term of two years while the presiding judge is elected at large by the voters of the entire county for a term of four years.

The county court has functions in connection with financial administration, charitable relief, roads and bridges, licenses and various miscellaneous matters. It levies taxes on property for state and county purposes. The rate for state purposes is fixed by the legislature but the county court fixes the rate for county purposes subject to the maximum rates established by the constitution which vary according to the assessed valuation of property in the county.<sup>9</sup> The county court cannot incur any debt in excess of the annual income of the county without the consent of two-thirds of the voters, and the debt must in no case exceed five per cent of the assessed value of property in the county except for building a jail or court house or for roads and bridges.<sup>10</sup>

The county court appropriates the county revenue for county purposes and audits and allows all accounts against the county. It constructs a jail and court house, has control over all county buildings and property, and attends to the investments of the county and other local school funds.

The administration of poor relief is a function of the county court. A county almshouse is usually maintained and outdoor relief is also granted.

The county court has general charge of the highways of the county. It provides for the opening of roads and constructs bridges over streams. It divides the county into road districts and appoints a road overseer in each district. The court appoints a county highway engineer to supervise the highway administration. The voters

<sup>9</sup> During the first period of railroad construction in Missouri, between 1850 and 1870, public money and credit were freely granted by the state, counties, and other local subdivisions. In some cases fraud and in others gross negligence led to the incurring of the debt without securing the railroad. As a result there were incorporated into the Constitution of 1875 the most stringent provisions regarding taxation and loans. Art. X, sec. 11, 12. County taxes are also levied on licenses but these cannot be more than double the state taxes.

<sup>10</sup> The members of the county court with the county assessor and surveyor constitute the county board of equalization, which has power to determine all appeals from the assessor's valuation and to equalize assessments of real and personal property in the county.



of any county may dispense with this official in which case the elected county surveyor attends to his functions. Provision exists also for the organization of special road districts under the control of a board of three commissioners. Such districts may levy taxes and incur loans for road improvement.

County licenses are required for numerous occupations. In most cases the licenses are issued by the county collector upon payment of the fee or tax. In the case of ferries and dramshops, however, application must be made to the county court which has discretion in granting the license.

The county court has a large number of miscellaneous powers including the division of the county into townships, selection of jurors, incorporation of cities, approval of bonds of county officials, organization of levee and drainage districts, sanitary matters, destruction of diseased plants and wild animals, determination of election precincts, selection of judges and clerks, and other duties relating to elections.

While the county court is the general administrative authority of the county, it retains only a limited power of appointment and has only slight supervision or control of county officials. Where a highway engineer exists, he is appointed by the county court which also appoints a physician to serve on the county board of health, a teacher to serve on the county text-book commission, the superintendent of the poor house, road overseers and minor officials and employees.

The following county officials are elected by the voters of the county: assessor,<sup>11</sup> collector,<sup>11</sup> treasurer, clerk of the county court, clerk of the circuit court, recorder of deeds, sheriff, coroner, prosecuting attorney, probate judge, public administrator, school superintendent and surveyor.<sup>12</sup> Until a few years ago most county officials were chosen for a term of two years. This term was increased for different offices from time to time until to-day all of the above officials hold for a term of four years except the prosecuting attorney who is chosen for two years. Certain of these officials cannot be elected to succeed themselves and in practice few county officials hold for more than two terms.

<sup>11</sup> In counties which have adopted township organization, there is no county assessor or collector.

<sup>12</sup> In Buchanan and Jasper counties there is a county auditor and in Jackson county a county marshal each elected for a term of four years.



The compensation of most county officials is fixed by the legislature but varies with the wealth or population of the county and the nature of the office. A few officers receive an annual salary or per diem but most officials are paid under the fee system or a combination of a small salary and fees. The law fixes the maximum amount of fees which can be retained and the surplus must be paid into the county treasury.<sup>13</sup> The legislature this year, by placing the office of prosecuting attorney in all the counties exclusively upon a salary basis, has eliminated one of the greatest evils of the fee system.

The following discussion of the more important fields of activity of county officials will indicate the chief problems which have arisen in county administration.

### *Taxation*

The administration of county taxation is intimately connected with that of the state and of its other local subdivisions. The general property tax obtains for all divisions of the government and the assessment of property for taxation is practically made by the county authorities. While city assessors exist, the assessment for city purposes can not exceed that fixed for the county.<sup>14</sup> The collection of taxes for all divisions of the government except cities is likewise made by a county authority,<sup>15</sup> and the revenue of the other divisions is largely dependent upon the efficiency of the county official.

The county assessor or, in counties under township organization, the township assessor, assesses real and personal property.<sup>16</sup> The property owner is required to hand in a list of all his property with its actual cash value. This is not binding upon the assessor who makes the assessment, but in practice the personal property list is rarely changed by the assessor, who is not in a position to ascertain the real facts. As regards the real property, it is a physical impossibility for the assessor to make an accurate annual assess-

<sup>13</sup> In the larger counties, such as Buchanan, Jackson and Jasper, most of the county officials receive a fixed salary and pay all fees into the county treasury.

<sup>14</sup> The city assessor is in most cases a superfluous officer, as he does no more than copy the county assessment.

<sup>15</sup> In counties under township organization, the assessor and collector are township officials.

<sup>16</sup> Railroad, bridge, telegraph and telephone property is assessed by the state board of equalization.

ment. As a matter of fact, the assessors make no attempt to carry out the statutory provisions. Custom within a county has established the rule that property shall be assessed at a certain proportion of its actual value and one assessor follows the practice of his predecessors. As the customary proportion is not the same in all counties, it results that inequality of assessments exists among the different counties of the state. Within the same county the rate of assessment is usually higher in urban than it is in rural districts, since the limitation on the rate of city taxes makes a higher assessment imperative. On the other hand the per cent of personal property assessed in rural districts is much higher than is the case in urban communities. Ignorance and political and other considerations lead in many cases to inequality within the same county as among different individuals and different classes of property.

The county board of equalization which may act upon its own motion or upon complaint from a taxpayer, does little to improve the situation, as it is affected by the same conditions which influence the acts of the assessor. Much the same is true of the state board of equalization which consists of the governor, secretary of state, state auditor, state treasurer, and attorney general. This board has authority to equalize assessments among the counties but not among different persons or property within a county. The officials who make up this board have neither the time, information nor powers to adequately correct the evils. Political considerations also affect the solution of the problems by this body.

The fundamental defect is to be found in the lack of supervision and control over the acts of the assessor. This official has usually had no experience to qualify him for the position. While he is honest, he is frequently ignorant of the provision of the law which requires assessment at actual cash value and is unable to overcome the traditional rate established by his predecessors. He requires the moral and legal support of efficient state supervision such as is secured from state tax commissions in some states. Some of the more enterprising assessors have formed a state association of county assessors which meets annually. Difficulty arises from the fact that the assessors who most need the benefit of such an organization do not attend. Such an organization should be recognized by law and attendance should be compulsory and at public expense. Improvement would probably result if the state

auditor had authority to send expert revenue agents to advise with assessors and county boards of equalization. Effective reform, however, cannot be secured without the establishment of a central authority with power of supervision and, where necessary, of final determination.

The county collector or, in counties under township organization, the township collector collects all state and local taxes except city taxes and pays them over to the proper treasurer. The fact that the compensation of the collector depends upon the amount of his collections usually serves as an adequate incentive to efficiency. It is found, however, that collectors vary in the percentage of their collections and in some cases counties and school districts suffer from inadequate collections. The statutes provide means for holding the collector responsible in cases of wrongful acts or negligence but judicial action is required in all cases. The efficiency of the official would be improved by subjecting him to the supervision and control of the state auditor. In most cases the office of city collector is an unnecessary expense and inconvenience to the taxpayer and the situation would be improved by having the county collector collect city taxes on property.

#### *Expenditure and Accounting*

The administration of the county treasury has been much improved since the adoption of the county depository law under which the money is deposited in banks offering the highest rate of interest. Before this law was adopted the election of a county treasurer was usually a contest among rival banks. Little has been done, however, to improve the system of auditing and accounting which is carried on under methods adopted in the earliest periods when the amounts involved were insignificant as compared with present conditions. Buchanan, the second largest county in the state, is the only county with a county auditor who is elected as other county officials.<sup>17</sup> He countersigns all county warrants issued by the county court and keeps the accounts of the county with all officials who handle any funds. In all other counties, these functions are performed by the clerk of the county court.

For a number of years unsuccessful attempts were made to

<sup>17</sup> The present legislature has made provision for a similar office in Jasper county.



introduce a uniform system of accounting for state institutions, counties and other local governments under the supervision of the state auditor or a separate state department. The legislature this year has finally made provision for such a system in the office of the state auditor. As regards counties, however, the bill was modified so that the system can be introduced only upon the request of the county court. The fact that the county court has charge of the investment of county and other local school funds has made the more imperative the establishment of some supervision of its financial operations.

While the legislature has not been disposed to favor any central administrative control over local finances, it has not hesitated to introduce legislative centralization in particular counties. For example, acts have been passed creating new offices and increasing official salaries in some counties. It has been possible to do this despite the prohibition upon special legislation by making the acts apply to counties of a certain population or to those containing a city with a certain number of inhabitants. These acts have been held constitutional even where only one county is affected. It is claimed that bills introduced in the legislature now in session will, if passed, increase the annual salaries of officials in Jackson county by more than \$75,000.

#### *Charities and Corrections*

It has been pointed out that poor relief is a function of the county court, which for this purpose maintains a county almshouse and also grants a limited amount of outdoor relief. While the county board is authorized to maintain a hospital for the sick poor, this has been done in only one county. Nine counties still use the primitive system of sending the poor to board at a given rate with private families. Most counties in abandoning this system bought a farm and employed a superintendent to look after the poor and use them as far as possible on the farm. As a result, the almshouse in the majority of counties is a farmhouse, and the county court is apparently more interested in the successful management of the farm than the welfare of the inmates. While a number of counties have erected modern buildings, the physical conditions in most of the almshouses are very bad. While the county court may send poor patients to the state hospitals for the insane and pay

for their support out of county revenue, many counties still keep insane and feeble-minded persons in the county almshouses, which are wholly unprepared to give the proper care. Children are also kept for long periods in these institutions. Similar undesirable conditions exist in most of the county jails which are under the supervision of the sheriff, who is allowed fifty cents a day for boarding prisoners. The fee system and the temporary character of the administration have not only prevented the introduction of reformatory measures but have tended to produce very bad physical and moral conditions.

The judge of the circuit court may and upon the petition of fifteen citizens must appoint six persons as a board of visitors for the inspection of all public charitable and correctional institutions of the county. This board is authorized to make recommendations to the county court regarding improvements in such institutions. These boards have materially improved conditions but in the majority of the counties no boards have been appointed.

The State Board of Charities and Corrections has power to make investigations of and require reports from all charitable and correctional agencies and institutions, and may submit recommendations to the governor. It has not had any supervisory control over state or local institutions and its powers have been defined in such general terms that it has not been able to deal with specific problems. The appropriations made for its support have enabled it to do little more than maintain its office and publish its reports and recommendations. The first thorough inspection of county jails and almshouses, which was made in 1912, was secured through the cooperation and financial assistance of the State Nurses' Association.

The publication of the results of the investigation caused the present legislature to enlarge the functions of the state board by giving it supervision over county jails and almshouses, with power to make regulations for the care of inmates, and by requiring county courts to report regularly the nature of their contracts for the care of paupers and to submit plans for the improvement or construction of jails and almshouses to the board for its approval. Detailed reports regarding outdoor relief are also to be made annually to the board, which is given authority to decide controversies between counties regarding rights of settlement of paupers. The act creates



a children's bureau as a department of the board to supervise the treatment of all dependent and neglected children and makes it unlawful to keep children between two and eighteen in any county almshouse.<sup>18</sup> While the legislature has not made adequate financial provision for the work of the state board, the provisions of the above act will enable it to introduce noteworthy improvement in this field of county administration.

### *Public Schools*

The improvement which has been made in recent years in the administration of public education furnished a good model to be followed in the field of charities and corrections. Until a few years ago complete local autonomy for each small school district was the normal condition. The state appropriated annually one-third of all its general revenue to be distributed among the school districts in proportion to the number of persons of school age without regard to the character of the school, the extent of school attendance, or the necessities of the local community. There was a county commissioner of schools who had authority in granting teachers' certificates but neither he nor the state superintendent of education had any power of supervision and control over the schools. A local option law existed, under which a county could provide for the election of a county superintendent of schools, but advantage was taken of this in only a few of the counties.

In 1909, however, the system of county supervision was made compulsory in all counties, the county superintendent having general supervision over all schools in the county except in districts which employ a superintendent who gives at least one-half of his time to supervision. Since that time conditions have materially improved, especially in rural schools. In 1911, the school apportionment law was changed so that the school attendance, length of terms, number and salary of teachers are the important factors in determining the quota of a district. The compulsory attendance law enacted in 1905 has been strengthened but its administration is still left largely in the hands of the local boards of education. Statutory provision has been made for consolidation of rural school districts but not

<sup>18</sup> The present legislature has made provision for granting pensions out of the funds of the county to a mother who has one or more children dependent for support wholly or in part upon her labor.



much progress in this direction has been accomplished. Inspection and classification of schools by officials from the state university and the state department of education have done much to improve conditions.

The legislature has just enacted a number of important laws affecting public educational administration. Three of these acts provide for state aid, one for rural high schools in consolidated districts, one for high schools in poor districts which have levied the maximum tax rate provided by law, and the other for first class high schools giving teacher training courses. In all cases the approval of the state superintendent of public schools is required. Other acts provide for paying the traveling expenses of the county superintendent of schools and for annual meetings of the presidents and clerks of all school boards of the county called by the county superintendent for the consideration of questions pertaining to school administration, each official being entitled to receive a small compensation and mileage.

#### *Highway Administration*

The decentralized system of highway administration has not favored the improvement of roads. The county courts have, in general, constructed good bridges over important streams but aside from a few counties in which there has been an intelligent public opinion or in which considerable revenue from saloon licenses has been available, little has been accomplished in the way of permanent improvement of roads. Toll roads are still maintained in some counties. The situation has been much better in special road districts and the number of such districts has been increased in recent years. The legislature a few years ago commenced the policy of granting state aid but for the most part this has not been based upon any stimulative principle and has not secured any adequate returns. The state board of agriculture has appointed a state highway engineer who has given valuable advice to local officers and has promoted local activity in road improvement. He has not had, however, any supervision or control over local officials of highway administration.

The present legislature has passed a number of laws affecting highway administration. Perhaps the most significant is one creating a state highway department under the administration of a state

highway commissioner appointed by the governor. This official will take the place of the state highway engineer in giving information and assistance to local highway authorities. The act provides, moreover, that he is to perform all duties with respect to the construction and maintenance of roads that may be provided by any system of state aid which may be adopted.

An opening for a system of central supervision and control over highway administration has been furnished in another act of the legislature, providing a system of roads connecting all county seats in the state and creating for this purpose a county highway board consisting of one member appointed by the county court, one by the state highway engineer, and one by the governor. If the county has a county highway engineer, he is *ex officio* a member of said board. The act provides for state aid and the state highway engineer is to assist in selecting the route and to audit all accounts to be paid out of the state treasury.

#### *Public Health*

Outside of cities, there has been little effective sanitary administration in Missouri. The county board of health is composed of the judges of the county court and a physician appointed by them. It has quarantine powers similar to those possessed by the state board of health, and is required to enforce such regulations as the state board may prescribe. It would be difficult, however, to compel the county authorities to take positive action in this field and little if any effort has been made in this direction. A few years ago the legislature gave the state board control over vital statistics with authority to divide the state into registration districts and to appoint local registrars.

#### *Miscellaneous*

The control over liquor licenses has been left to the county court subject to the local option and other laws regulating the liquor traffic. On account of the political influence of saloons in large cities, this power was taken away from the local authorities in the city of St. Louis, which possessed the function of a county in this matter, and was delegated to an excise commissioner appointed by the governor. The present legislature has passed an act giving the mayor the power of appointing a bipartisan excise board

reserving, however, to the governor the power of removal. While this act was passed in obedience to the demand for "home rule," the same legislature provided for the appointment by the governor of a bipartisan excise board for the county of St. Louis. This county adjoins the city of St. Louis and open violations of the Sunday closing law have been the rule.

Under the local option law the majority of Missouri counties have prohibited licensed saloons. The present legislature has passed a county unit bill which will extend the dry territory by including many cities with over 2,000 population which have previously voted independent of the county on this matter.

The abolition of licensed saloons increases violations of the excise laws. Those who are opposed to prohibition succeed frequently in electing local officials of police and judicial administration who refuse to enforce the excise laws. In a few counties, this condition has become notorious but the legislature has declined to give the governor power to remove such officials though he may direct the attorney-general to prosecute cases in such counties. In the three largest cities of the state, the governor has had the power of appointing and removing police commissions which have full control over the city police systems. In this way the enforcement of state laws in excise and other matters has been secured. On account of the demand for "home rule" the present legislature has substituted the mayor for the governor as the appointing authority in the case of the St. Louis police commission, but the governor retains the power of removal.

The counties have full charge of all matters relating to elections. In St. Louis and Kansas City, however, administration of such matters is vested in a board of election commissioners appointed by the governor.



## COUNTY AND TOWN GOVERNMENT IN ILLINOIS

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Local government in Illinois has received considerable attention from others than those directly engaged in its operation, as illustrating important phases in the development of local institutions throughout the United States.<sup>1</sup> The best known accounts, however, have been based mainly on the statutory provisions; and have not given sufficient attention either to the earlier history or to the actual operation of local government in recent years. Since 1900, more thorough studies of some of the historical phases of the subject have been made, through the efforts of the Illinois State Historical Library, the Illinois State Historical Society and the University of Illinois.<sup>2</sup> During the past year, the writer of this article has prepared for a joint committee of the general assembly of the state a general survey of the historical development and a descriptive and critical discussion of the existing system and its operation. This survey forms the basis of this article.

### *Historical Summary*

To summarize briefly the main tendencies in the development of local institutions in Illinois is more difficult than is indicated by the sweeping generalizations of previous writers. A careful analysis of the complicated mass of detailed legislation shows many conflicting provisions; and the broader lines of movement have at times been seriously interrupted by counteracting and cross currents, which tend to confuse the situation. The most salient characteristics may, however, be noted along two main lines: the movement from a simple and concentrated organization to a highly differentiated list of local officials, as yet lacking organization and correlation; and

<sup>1</sup> Elijah M. Haines, *Township Organization: Its Origin and Progress in the Western States*. American Social Science Association, 1876; Albert Shaw, *Local Government in Illinois*. Johns Hopkins University Studies in Historical and Political Science, 1883.

<sup>2</sup> *Publications of the Illinois State Historical Library and Society*, Nos. 2, 3, 9, 11, 12; *Bulletins of the Illinois State Historical Library and Society* Vol. I, Nos. 1, 2; *Illinois Historical Collections*, Vols. II and V.

the movement from a centralized system, proceeding for many years in the direction of decentralization, but more recently showing some more centralizing tendencies.

During the various stages of territorial government in Illinois, local officials were appointed by the territorial authorities, and judicial and administrative functions were concentrated in the same hands. In these respects the local institutions followed the systems of Virginia and Kentucky. Provision was, however, made from the organization of the Northwest Territory for both county and township officials, the latter showing the influence of the Middle Atlantic States.

Under the first state constitution of Illinois (1818), the establishment of elective county commissioners formed a distinct step towards decentralization and the separation of judicial and administrative functions. These changes showed a tendency towards further development in the direction of the Pennsylvania system of local government. But during the first decade of the state, the disintegration of the early civil township, and the formation of distinct sub-districts of the counties for elections, roads and other local purposes showed the influence of the increasing migration from the Southern States.

Other changes during the period of the first state constitution were clearly in the direction of further decentralization of local administration. Justices of the peace were made elective in sub-districts of the counties in 1827; a considerable number of towns and a few cities were incorporated; in the last decade of this period a system of local school administration was organized based on the congressional townships and petty school districts; while the rapid multiplication of new counties, many of small area, showed the influence of the same tendency.

The second state constitution (1848) shows clearly the presence of conflicting forces. A series of restrictions on the formation of new counties put an end to further decentralization by this means; while the revival of county courts with both judicial and administrative powers, marked a return to the earlier and more concentrated machinery of county government. At the same time, however, the provisions for an optional system of township organization opened another way to further decentralization. But the town governments as established fell far short of the powers of the New England towns.

The township law followed closely that of New York; and its main features were the decentralization of road administration and state functions such as the assessment and collection of taxes, rather than the grant of important powers of local home rule. Nevertheless, the township system was rapidly adopted in many counties; while the incorporation of cities and small villages continued the process of administrative decentralization. The continued centralization of legislative power was clearly shown in the enormous and increasing mass of special legislation for counties, cities and other local districts, which forms one of the most notable characteristics of this period.

In the third state constitution (1870), special legislation was prohibited on a long list of subjects; and this restriction has been more effective than in other states in reducing the volume of special local acts. But this has not brought about any important general grants of legislative power to local authorities, and the main result has been to change the form of legislative control. Detailed general law or laws applying to certain classes of local districts have been passed in increasing numbers, adding to the complications of local administration.

The constitution of 1870 also returned to the separation of judicial and administrative functions in counties not under township organization, by reviving the system of county commissioners for such counties.

After 1870, the decentralizing tendencies continued for a time, in the further extension of the township system, and by the introduction (in 1887) of elective road district commissioners in counties not under township organization. The latter change removed one of the important distinctions between the two classes of counties in Illinois.

On the other hand, in the last twenty years there has been some tendency to increase the importance of the county as compared to the town, in the administration of poor relief and the assessment of property for taxation.

More notable has been the decline in the relative importance of the town, in comparison with the enormous development of municipal powers and functions in the incorporated cities. This enlarged importance of urban government has been due in the main to the increase of urban population; but also in part to the fact that the



municipal areas have been adjusted from time to time to correspond more closely to the convenience of administration than the fixed and artificial boundaries of the townships.

In the organization of town government, the town meeting has lost ground by close restrictions on the fundamental power of taxation, as well as by the failure to enlarge its authority; and the significant powers of town authorities are vested in administrative officials acting under the minute regulations of statute law.

Moreover there has been some development of state administrative authority, by the transfer of functions to state officials such as the assessment of railroad property by the State Board of Equalization, the development of state charitable institutions, recently more thoroughly centralized under the control of the State Board of Administration, and other state offices and institutions. There has also been some development of state aid and supervision of local authorities, through the State Superintendent of Public Instruction, the State Board of Charities (recently replaced by the State Charities Commission) and the State Highway Commission. But as yet this latter tendency is less notable in Illinois than in other states, such as Massachusetts, New York and Wisconsin.

The most general local government districts in Illinois are counties, townships and school districts. In addition there are organized many cities and villages, and also special drainage and park districts. These various municipal areas overlap each other; and the system as a whole is more complicated and confusing than in any other state.

### *County Government*

There are 102 counties in the State of Illinois, ranging from counties of less than 200 square miles and 7,000 population to counties of over 1,000 square miles and more than 100,000 population. There are twenty-nine counties with an area of less than 400 square miles, the constitutional limit for new counties; and there are half a dozen counties with an area of more than 1,000 square miles. There are fifty counties with less than 25,000 population, and seventeen counties with more than 50,000 population.

A good many difficulties in the operation of county government are due to these wide variations in the area and population of counties. It is safe to say that the county officers required by the con-

stitution are more than are needed in many of the small counties; and that more efficient and economical administration could be secured by combining two or more officials into one, or by giving some of the officials jurisdiction over several of the smaller counties, or by uniting several small counties into one.

County boards in Illinois are organized on three distinct types: a board of three commissioners elected at large, in counties not under township organization; a board of fifteen commissioners for Cook county, ten elected from the city of Chicago and five from the rest of the county; and boards of supervisors, elected by towns in other counties under township organization. The latter range in size from five members in Putnam county to fifty-three in LaSalle county. In eighteen counties there are thirty or more members in the board of supervisors.

The large board of supervisors has often been supported on the theory that the county board is the legislative branch of county government. But an examination of the powers and functions of county boards shows that, apart from making appropriations and levying taxes, for the most part they act as administrative bodies. For this purpose the large board is unwieldy and ineffective. Only five or six other states have county boards as large as the boards of supervisors in Illinois; and most, even of the states with town government, have county boards of from three to seven members.

A small majority of the replies to inquiries sent to county officials in Illinois in counties under township organization were in favor of a small board of county commissioners in preference to the present boards of supervisors. From thirty-nine counties under township organization there was a decided preponderance in favor of county commissioners; but a majority of the replies from thirty-four counties were opposed to small boards of commissioners. This situation seems to show the need for some other alternative, occupying perhaps a middle ground between the two main forms of organization now permitted in this state. At the same time much of the detailed administrative work now performed by the county boards should be done by county officers; and one of the county officers might well be recognized as the chief executive officer.

In each county there are elected from nine to thirteen officers. From four to seven county officers are elected at one time, at the general election in November of even-numbered years, along with



state officials and members of the general assembly. It is coming to be recognized that the long ballot necessary for so many elective officers prevents anything like true popular selection in the choice of these officers; and the demand for a short ballot calls for decided changes in the method of selecting county officers. Some improvement could be secured by eliminating statutory offices from the elective list; but as most of the county officers are provided for by the state constitution, a satisfactory solution can only be secured by amendment or revision of the constitution.

The county clerk has the most varied duties, and from his official contact with all branches of county administration is tending to become the *de facto* chief executive officer of the county. He is custodian of the county records, clerk and accountant of the county board and clerk of the county court; he has important duties under the primary and election laws, and in the assessment of property and the extension and collection of taxes; he issues hunters' and marriage licenses, and performs numerous other duties. If the county clerk were given some of the legal powers of a chief executive, the responsibility and efficiency of county administration could be improved.

The county judge, in most counties, deals mainly with probate administration; but in counties of over 50,000 population this business is vested in a separate probate judge. The county judge also has jurisdiction in civil and criminal cases, and has some administrative functions, mainly in connection with elections and taxation.

The county treasurer is not only custodian of county funds, but is also county collector of taxes (collecting state, county and local taxes) and supervisor of assessments in counties under township organization, and is assessor in counties not under township organization.

The clerk of the circuit court acts also as recorder, except in counties of more than 60,000 population, in which a recorder of deeds is elected.<sup>3</sup> In counties with a distinct probate judge, there is also a probate clerk.

The state's attorney is primarily a public prosecutor in criminal cases, acting as agent of the state; but he also acts as legal advisor and attorney for the county and county officers. This officer might

<sup>3</sup> In Cook county there are also circuit and superior court judges and additional court clerks elected.



well be appointed by the governor or attorney-general, as a direct representative of the central state government; and one official might act for two or more of the smaller counties.

The sheriff may be called the constituent officer of the county. His principal duties are now as chief conservator of the peace and executive agent of the judicial courts. In counties not under township organization, he is collector of taxes. By an act of 1905 if a person in the custody of a sheriff is lynched, the governor shall declare the office of sheriff vacant.

The coroner holds inquests on the bodies of persons whose deaths are supposed to be due to violence or other undue cause. The procedure is antiquated; and this work could be better done by appointing competent medical examiners, and authorizing the state attorneys to investigate cases where need for criminal proceedings is shown.

The county superintendent of schools acts as agent of the state in distributing the state school fund, and also inspects and supervises the local school officials, under the supervision of the state superintendent of public instruction. He forms a more effective intermediary between the state and the local officials in the smaller local districts than is provided in any other branch of public administration.

The county surveyor (a statutory office) makes surveys in special cases, for private parties or on the order of a court.

*County Finances.*—The development of county administration is limited by constitutional limitations on the tax rate and amount of debt; while the tax rate is further restricted by the Juul law. In fact the total amount of county taxes remained almost stationary from 1870 to 1900. Since the latter date there has been a considerable increase, from \$6,179,195 to \$11,546,266; but most of this has been in Cook county. The highest tax rates are in the small counties.

County expenditures are supposed to be under the control of the county boards. But numerous fees and some salaries and other expenses are regulated by statute; and about forty per cent of the county expenditures are paid without the action or control of the county board.

An attempt to compile statistics of county finances for analysis and comparison had to be abandoned for lack of data from most of the counties. But the information received from fifteen counties,

supplemented by a more detailed examination of the records of Sangamon and Piatt counties, serves to show clearly the inadequacy of existing accounting methods. Except in Cook county, no officer keeps a complete record of all the financial transactions of the county; and no statements are prepared consolidating and summarizing the records of the various officials. In fact, the different reports do not even cover the same fiscal year. The several officers receiving fees and commissions pay from these the expenses of their offices; and only the surplus is paid into the county treasury. At the same time, a large part of the fees and commissions are paid by the county; and to add together the total amounts in the several reports would involve duplication to a considerable extent. Expenditures are reported on the basis of warrants cancelled, instead of on warrants issued, and thus do not show the expenses properly chargeable to a given year. Nor do the present accounts and reports classify the expenditures for the main purposes of county administration, nor do they separate ordinary expenses from payments for permanent improvements, or compare expenditures with appropriations. No balance sheets of assets and liabilities are prepared.

To secure a satisfactory system of county accounts and financial reports there is need for the service of trained accountants. A number of other states have provided for county auditors; and by recent legislation auditors have been provided for Illinois counties with over 75,000 population. But there is clear need for establishing a uniform system of accounting in all the counties, with a regular inspection and audit of accounts by a state official, as is now established in Ohio and other states. Such arrangements would permit of the release of county officials and their bondsmen from further liability after their term of office.

*Poor Relief.*—Local relief in Illinois is furnished partly in county poor farms and partly by outdoor relief. Nearly every county maintains a poor farm and almshouse. Conditions in these institutions show some improvement in recent years, owing to closer inspection and the removal of the insane and other classes to state institutions. But the situation in most counties is far from satisfactory. The inmates of the county farms include the aged, blind, demented, feeble-minded, deaf and dumb and children; and as the average number in each county outside of Cook county is less than thirty, proper segregation of the different classes is impossible.



Petty politics often plays a prominent part in the management of these institutions. The average expenditure per inmate reported shows wide variations between different counties; while there are no satisfactory accounts of receipts and expenditures. In most counties hospital facilities and medical aid are inadequate.

In two-thirds of the counties the expenditure for outdoor relief is larger than that for the county farm. This aid is administered by the county commissioners and township supervisors, with appointed overseers in some places. In nine counties under township organization, the payments for outdoor relief are made by the town; in the other counties the expenses are paid by the county. The administration of outdoor relief lacks organization and system; reports, records and documents are defective and in many places lacking; while the range of expenditures in different counties shows the absence of any definite policy.

About thirty counties pay money pensions to blind persons, under a law of 1903; and in fifteen other counties allowances are made to some of the blind.

*County Jails.*—The condition of the county jails in Illinois, as shown by recent inspections of the State Charities Commission, shows little improvement over conditions shown by the first examination of the former State Board of Charities in 1870. A large majority of the jails are old and unsanitary. Only ten counties had jails in first class condition; and in thirty-seven counties the jails should be condemned as unsanitary. In seventy-two of one hundred counties the law requiring the segregation of minors from adults was violated; in eleven counties there were no provisions for women, and in many other counties the women's cells were not segregated from those of the men. Only seventeen counties did not have insane persons in the jail. In twenty-nine so-called "kangaroo courts" were permitted.

#### *Township Organization*

Any county may adopt or discontinue the system of township organization, on petition and a popular vote; a smaller petition being required for adoption than for discontinuance. There are now eighty-five of the 102 counties in Illinois which have adopted the township system. Since 1890 only two counties have adopted township organization; and under existing conditions



the counties with and without township organization seem likely to remain as they are. Most of the counties not under township organization are small in area and population, and all are in the central and southern parts of the state.

In the eighty-five counties there are 1,430 civil townships, with an average area slightly less than thirty-six square miles. Most of the townships are distinctly rural, with a population of from 1,000 to 2,000. But, except in Chicago, where the townships have been practically abolished, the townships include cities and villages within their geographical limits; so there are a number of townships of from 10,000 to 60,000 population. The township of Joliet contains 16,000 inhabitants outside of the city.

Towns in Illinois have very limited powers. They are vested with corporate capacity, and may levy local taxes and make by-laws for a few enumerated purposes and may vote to prohibit the grant of liquor licenses. They also elect a considerable number of officials, for road and judicial administration, and for the assessment and collection of taxes. But the matters which form the important business of New England towns are in Illinois looked after by the cities, villages and school districts.

Provision is made for an annual town meeting of the electors, on the first Tuesday in April, for the election of officers and the transaction of business; and also for special meetings. But in practice the town meeting is of slight importance. Its powers are closely limited,—the principal local tax (for roads) is levied by the highway commissioners—and in most towns it is attended by very few persons. Inquiries as to the attendance at the annual meetings in April, 1912, brought replies from less than a third of the towns in the state. Less than a third of these reported an attendance of more than fifty at the business meeting; and only thirty-nine towns reported an attendance of more than one hundred. In towns including cities of some size the town meeting is of even less importance than in rural towns; it is seldom attended by more than a handful of voters, and in some places no meeting at all is held.

Nearly three-fourths of the county officers who replied to inquiries as to the value of town meetings reported that they were no longer of any substantial service. Moreover, the strongest opinions in favor of the town meeting came, not from the northern counties where New England influences are most prevalent, but

from a few counties in the central part of the state. Many urged the abolition of the town meeting.

A town clerk, in a town of 2,500 population within fifty miles of Chicago, reported an attendance of thirteen persons, which included "six judges and clerks of election, two town officers, one professional candidate for moderator, and one innocent bystander in the booth marking his ballot, leaving three plain citizens, who were evidently interested in the meeting." In a period of twenty-five years, he states that on three occasions the road and bridge tax was levied at town meeting, and two resolutions had been adopted. Ordinarily the only business is to read the reports of town officers and levy the trifling town tax for miscellaneous expenses.

In a few towns the town meeting seems to be fairly well attended; but in some of these at least this appears to be due to local social customs rather than to interest in public affairs.

If the town meeting is to be continued, steps should be taken to enlarge its powers and to secure a larger attendance and interest. But for most towns in Illinois, the situation seems to call for a reorganization of town government, imposing more definite powers on officials who can be held responsible, instead of trusting to the few who accidentally attend a town meeting.

In each town there is elected a supervisor, town clerk, assessor, collector, three commissioners of highways, and two to five justices of the peace and constables. Assistant supervisors are also elected in the more populous towns. Most of the officers are now chosen for a two year term; but some officers are elected each year. Township elections are not subject to the primary law, presumably because this seems unnecessary in rural districts. But this results in the selection of important officials in towns which include cities by the unregulated caucus or "soap box" primary.

The supervisor and assistant supervisors are members of the county board. The supervisor also acts as town treasurer and in most towns as overseer of the poor. The duties of other officials are indicated by their titles. The supervisor, town clerk, and justices of the peace of each town constitute a board of town auditors.

A considerable reduction could well be made in the number of town officers. The assessment of property and collection of taxes could be more efficiently done by county officers; and a single highway commissioner would be better than three. The supervisor should



also be made more definitely the chief executive officer of the town.

Town finances are of very slight importance. The road and bridge tax is separately administered; and the general town levy is usually not more than two or three per cent of the total taxes, and averages less than six cents on the \$100 of taxable value. The principal expenditures are for the assessment of property for taxation and the compensation of town officers.

An examination of the financial records of town officers in one of the larger counties disclosed not only an absence of any system of accounts, but also the lack of the most essential data even as to cash transactions, and frequent errors in the extension of figures. The collectors' commissions, which form one of the principal items, do not appear in the town records. There is no attempt at a classification of expenditures.

#### *Local Administration*

*Tax Administration.*—The assessment of property for state and local taxation in Illinois is made by county officers in the seventeen counties not under township organization, and in Cook county; and by town assessors, aided by county officers, in other counties under township organization. There have been prolonged and emphatic complaints of the results of the present system; and it seems clear that even real estate is far from uniformly or equitably valued, while the gross undervaluation of personal property is notorious. Assessments in counties under township organization appear to be more unsatisfactory than in counties where this work is in the hands of county officers. The revenue commission of 1886 and the special tax commission of 1910 recommended that town assessors be abolished and county assessors provided in all counties. County boards of review should also be reorganized, and a state tax commission established.

Taxes are levied for the state and various local authorities under a complicated series of statutes; while the aggregate amount of taxes which may be levied is limited by the intricate provisions of the Juul law. The present arrangements often lead to invalid levies and confusion; and there is need for more coordination and concentration of responsibility in making tax levies, as well as a less mechanical method of limiting the total.



In counties under township organization, taxes are collected by town collectors, and delinquent taxes by the county treasurer. In counties not under township organization, the sheriff is the collector. The tax collectors are allowed commissions on the taxes collected; both town and county collectors receiving commissions on the taxes collected by town collectors. There has been criticism of the town collectors as an unnecessary duplication of collection machinery; and some readjustment of the present system seems advisable.

*Road Administration.*—The construction and maintenance of public roads in Illinois are regulated by two distinct general laws, one for counties under township organization and the other for counties not under township organization, with a number of optional provisions for each class of counties. The main features of the two general laws are similar, each providing for the election of three highway commissioners in each town and road district, who levy taxes and look after the roads. Under the optional provisions, one county has a county system of road administration; and while some towns do all road work on a money system, many still use the primitive system of labor taxes. County aid is given in small amounts, mainly for the building of bridges.

Expenditures on the public highways have increased rapidly. The road and bridge tax has risen from \$1,259,851 in 1879 to \$5,673,235 in 1911. But there are wide variations in the rates levied in different sections of the state; and the present methods of administration clearly fail to secure anything like a satisfactory system of roads.

Complaints of the existing system of road management are even more numerous and general than with respect to other branches of local government. There is a strong demand for the abolition of town and road district commissioners, and the complete concentration of local road administration in county officials. There should at least be a thorough reorganization, with a single highway commissioner for each town and road district, road engineers for counties or larger districts, and a large measure of state aid and supervision in the development of a system of main highways.

*Justices and Constables.*—Justices of the peace and constables are elected by towns and election precincts throughout the state, except in the city of Chicago. In Chicago there is a municipal court, and

in nineteen other cities there are city courts, with elective judges; but in most cities the only local police courts are those of the justices of the peace. Under the fee system, which prevails in most places, there is room for abuse; and better results would be secured if municipal courts were established in cities in place of the justices. In the rural districts, there appears to be no serious complaint; but in the absence of any supervision over the justices there are no data on which to base an opinion.

*Elections.*—The large number of separate elections in Illinois, especially for various groups of local officials, is the subject of much complaint; and the burden of voting at from six to eight elections in a year easily accounts for the lack of interest in many elections. The local elections should be consolidated so far as practicable; and the primary law should be extended to townships including cities.

*School Administration.*—The management of public schools in Illinois is organized in a complex system, with state, county, township and school district officials. Local administration is primarily based on the petty school district, but includes a combination of township and district officers with county and state supervision. School townships are often not coterminous with the civil townships; and school elections are held at different times from both town and city elections.

While the school district is the smallest unit of local government in the state, the system of supervision by officials of larger districts is more thoroughly organized than in any other branch of public administration. To this systematic supervision of the district officials may be ascribed, in no small part, the greater efficiency of school administration. Certainly information as to schools and school finances is more readily available, through the system of reports, than for other local officials.

At the same time, there is criticism of local school administration; and the Education Commission in its report to the forty-sixth general assembly urged that the adoption of the township in place of the small school district as the primary unit would open the way to increased economy and efficiency in the educational work of the state. An examination of the reports of school finances indicates that under the present township management of school funds a large proportion of the funds handled are used for purely administrative expenses, which could be reduced if larger areas of administration were employed for this purpose.



*Conclusions*

This general survey of town and county government in Illinois confirms the results of other investigations in particular fields that the present decentralized and unorganized administrative machinery produces inefficiency and waste in the transaction of public business. Originating in a vague theory of local self-government at a time when, under frontier conditions, public business amounted to little, it has proved entirely inadequate to the complex social and industrial problems of to-day. The existing arrangements do not secure home rule for local communities in local affairs; but form a heterogeneous congeries of officials, lacking anything like systematic correlation to each other, and without effective responsibility either to the local communities or to the state, which vainly attempts to regulate their activities by an excessive degree of legislative centralization. To meet the conditions of to-day there is need for more systematic organization, and for a larger use of experts trained in special fields than can be secured by the smaller units of local government.

Where improvements have come in recent years, it has been by such means, as in the organization and supervision of local school administration, and in the more complete centralization of the greater part of public charity by the development of specialized state institutions. So, too, the movement for municipal home rule gains headway because the cities are securing a more systematic municipal organization, and deal with public affairs on a scale large enough to utilize the services of trained experts.

References are made throughout this paper to numerous proposals for changes in the organization of local administration in various areas and branches of the public service. Many of these have been primarily urged by students of special phases of the subject. May not the time be at hand when more rapid progress will be gained by taking a larger outlook and planning comprehensive changes along similar lines in the whole field of local government?

For any general and thorough reorganization of local government important changes will be required in several articles of the state constitution. In the article on counties, the provisions designating and requiring the election of county officers and the annual election of county commissioners and annual township meetings should be eliminated. In the article on the judiciary, detailed pro-



visions in regard to courts and the election of justices of the peace should be eliminated or made more flexible. The article on revenue should be amended to permit of changes in the present methods of taxation, and the limitations on tax rates and debt limits should be revised.

Such changes cannot be hoped for by the process of proposing separate constitutional amendments, which is more difficult in Illinois than in almost any other state; and to carry out a thorough reorganization of local government will require a constitutional convention to undertake a general revision of the state constitution.

Meanwhile, however, there are many changes and improvements which can be made by statute under the present constitution. These may be summarized as follows:

1. Provide for a uniform system of county and other local accounts, and for the annual audit of such accounts by state officers, so as to secure reliable data as to the finances of local authorities.

2. Provide a more efficient system for regulating the total amount of local taxes than the present Juul law. This will require a local body with discretionary power in place of the intricate and mechanical provisions of the present law.

3. Provide for the county assessment of property and for county collection of taxes.

4. An optional law vesting executive powers in the county clerk or some other county officer, and providing for county councils (comprising from seven to thirteen members) to be elected by districts within each county, to make appropriations, levy county taxes and exercise powers of local legislation. Such county councils have been established in Indiana.

5. Provide for the appointment of county or district road engineers; and authorize county boards to levy a county road and bridge tax; and with the approval of the voters to issue bonds for the construction of improved roads and bridges.

6. Authorize the State Civil Service Commission to hold local examinations for clerical and other subordinate positions in the larger counties.

7. Authorize county boards, on their own motion, to submit to the voters the question of adopting or discontinuing township organization; and prescribe a uniform rule as to the number of petitioners to require the submission of either question.

8. Provide that notice of annual town meetings shall state the business to be transacted, and fix a minimum attendance (of twenty-five) as a quorum for the transaction of business. Town meetings might well be granted additional powers to deal with the local problems of small villages.

9. All cities of over 10,000 population should be separately organized as towns; and in such towns the powers of town meetings and town officers should be vested in the city authorities.

10. Provide for a chief executive officer in each town, and also for a town board, to consist of the supervisor, town clerk, road commissioner (to take the place of the present highway commissioners) and justices of the peace. The town board to act as an executive committee and as a town board of health.

11. In counties not under township organization, one road commissioner and district clerk to be elected in each road district for a term of two years, the district road tax to be levied by the county board.

12. Town assessors and town collectors to be abolished.

13. Provide that town, road district, city, village and, so far as practicable, school elections shall be held on the same date, this date also to be the day for any general primary election held in the spring.

14. The township system of local school administration, recommended by the educational commission, would not only improve educational conditions, but would simplify the general system of local government in Illinois and increase the public interest in both town and school elections.

15. City courts or salaried police justices should be provided for all cities of over 10,000 population.

PART TWO

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TYPICAL PROBLEMS IN COUNTY  
GOVERNMENT





## THE COUNTY EMPLOYEE

BY WINSTON PAUL,

Secretary, Citizens Federation of Hudson County, Jersey City, N. J.

### I. *The Inefficiency of the Employee*

The story is told in a certain county in New Jersey that one of its elective county officials went to the county board of chosen freeholders with a request for four additional clerks. Only two were needed, but he figured the requisition would be cut down and he might consequently get the number wanted. Now this county official and the board were of opposite political faiths, and a representative of the board came to him and said, so the story goes, "You don't need four new men in your office, you need eight." The official saw the point at once and an appropriation was passed allowing for the appointment of four good republicans and four loyal democrats. So eight men were given jobs when only two were required.

When one has occasion to examine the payroll of a county office and to compare the number of men employed with the work to be done the foregoing story is a very plausible explanation of the condition which will frequently be found to prevail. There has been so little attention paid to county government in the past, the number of citizens who came in contact with its offices so few, and the public supervision of these offices so inadequate that practically any county department, taken at random, will show evidences of an excessive number of employees. If you will read the report of almost any investigation of a county department you will find a list entitled "Positions recommended for abolishment."

The elective county officials in New Jersey, the county clerk, register, sheriff and surrogate, formerly received no salaries, but were paid by fees out of which they met the expenses of their offices—and usually retired wealthy. Now these officials are on a salary basis. Hudson<sup>1</sup> and Essex are the two largest counties in New Jersey; they are adjacent and have similar population and wealth.

<sup>1</sup> Hudson county has the largest population and the smallest area of any in New Jersey. It contains Jersey City, Hoboken, Bayonne and ten other municipalities, and its county government costs a trifle under \$3,000,000 a year.

In Essex the four elective offices return the county an annual profit of about \$35,000, while in Hudson the net cost to the county of the register's office alone is \$55,000.

In Hudson county we found positions of similar work and responsibility receiving widely varying rates of compensation. The efficient and industrious employee should welcome the installation of time sheets and job or work records so that promotions and salary increases could be fairly based on ability to perform work, and not on favoritism. It would be advantageous if we could have fewer, but more efficient, employees, who could then receive higher compensation in return for their increased efficiency.

Last fall a study was made of the payrolls and the working force of each county department in Hudson county, and a report was published under the title "Comparisons of Appropriations and Salaries," in which it was shown that there has grown up a system of compensation which resulted in higher payrolls and a larger number of employees than is required in other counties, where an approximately equal volume of work is to be performed. To make the facts more impressive than the mere citing of figures would allow, the graphic method was used to depict the results of the study. In this examination it was found that, as a rule, the heads of departments received salaries out of all proportion to the services rendered, and that, while some subordinates were underpaid, many received higher compensation than is given men doing similar work in other counties. Hudson county is probably exceptional in this, however, as in most county departments the subordinates are poorly paid. Compensation of public employees is too frequently based on "pull," rather than on work performed. The human element is now recognized as a fundamental factor by efficiency experts. It seems strange that we have paid so little attention to the selection and training of competent employees when ninety per cent of the expenditures of some of our county departments goes into salaries.

County officials are usually nominated by party machines and elected by voters who have practically no knowledge of the requirements or functions of the offices to be filled. The numerous elective heads of our county departments are so engaged in keeping their political fences intact that the guarding of the public's fences is left to subordinates. The deputy or chief clerk of these county departments, particularly in the larger counties, is frequently the man who



actually runs the office. Generally the deputy is an efficient and experienced man who has spent many years in the position. The subordinates are usually selected without the requirement of any special qualifications and regardless of the peculiar needs of the position to be filled. Even under civil service little attention is paid to aptitude and personal habits, and practically no effort is made to interest desirable candidates. The essential qualifications of a prospective employee for any business, private or public, is that he should have aptitude for the work of that position; training and experience are of secondary importance.

The plan of having a business manager for a county to serve under a small board has been advanced and merits most careful consideration. It has many advantages, chief among which is that the manager would be able to treat the force of county employees in an original and businesslike manner. Such an experiment should be beneficial to the employee and to the public at large.

## II. *To Obtain Maximum Efficiency from the Employee*

1. The department or office must be correctly planned and efficiently organized, so as to get the work done accurately and promptly, and with as little red tape as possible. This requires a precise statement of the work or functions to be performed, and the man or men responsible for each separate function. This is usually accomplished by means of a chart. If one will try to chart the working force of almost any department in a good sized county the need for a reorganization of the departments will be quickly realized. It will be apparent that there is inequality in the amount of work expected of the employees, that there is confusion as to responsibility for the performance of certain duties and that much energy is being misapplied or wasted.

2. Employees must be selected scientifically—with a view to the positions to be filled. Men are appointed without proper investigation of their physical, mental or moral qualities. There are heads of departments with appointive power who do not know that it is possible by scientific character analysis to predict whether a given man can adequately meet the duties of a given position.

3. Having selected men who have aptitude for the various positions, they must be trained in the best methods, and then team play must be secured. The right men, correctly placed, need to have instilled in them a spirit of unity.

4. The next step is to keep job sheets, showing the quantity and quality of each man's work, on which records, increased pay and promotions can be impartially determined.

5. The avenue to promotion should be kept open as a reward for merit and as an incitement to the ambitious to advance in ability and efficiency.

### III. *The Necessity for Improvement in Efficiency*

Many of our counties and municipalities are already so heavily bonded that future generations will be embarrassed to raise funds for necessary improvements. So we must recognize the necessity for instituting scientific and efficient methods of administration. The conduct of a city or county department can be and must be as economical as that of a private corporation. The employee should welcome the movement for the installation of approved business methods, as it will revert to his benefit as well as to the public's.

It is highly desirable that the public should take a new attitude toward its officials and employees. Many of these are faithful men who take a great pride in their work and who strive to protect the public interest, with little recognition from citizens. Citizen bodies should recognize faithful and efficient services, and the public should reserve the highest places in its esteem for upright and successful officials. Publicity has its function of illuminating the good as well as the bad. Give recognition and high public esteem to the deserving, and the public service will attract and hold the best of our young men.

Why have our public schools never attempted to train the young for the public service? Our libraries and schools should cooperate not only in interesting and informing citizens about matters of county and city government, but also in turning the attention of those seeking a vocation to the opportunities of the public service, and to preparing them to enter it.

## THE COUNTY IN POLITICS

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BY CHESTER LLOYD JONES, PH.D.,  
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The allegiance of the individual to the party is a feature of our political life which has attracted general attention. That the southern states should be democratic and a few northern states like Vermont and Pennsylvania should be republican, we have come to consider a matter of course. The persistence with which the intervening units, the counties, cities, and even townships and wards, cling to one party or the other often escapes our notice. Why a county or town settled by the same people, controlled by the same economic and social influences, should be staunchly republican or democratic, while the surrounding territory gives support to the opposite party, is hard to explain and often unexplainable.

Even where party organization is loose, and the population rapidly changing, one unit in the midst of others of a different political faith may steadfastly refuse to "bow down to false gods." Party for such a community is a tradition, an institution, almost a religion. No clearer instance of popular conservatism can be cited than the refusal of a political division to change its politics. Skilful politicians realize the value of this asset. Into the mold of the local political unit the party fits its machinery to accentuate and maintain the loyalty which it has partly created and by which in turn it maintains its existence.

What particular unit will be chosen as the basis of party organization varies with local conditions, historic, economic and political. If a party is hopelessly in the minority in a certain state, it tends to rely on the state organization more than on the local leaders. If it is strong it may find both the county and the town available bases for organization. It may concentrate its attention chiefly on the county as is done by the republicans of Pennsylvania, relying on a state committee to act as the central policy directing agency. It may divide its attention among a number of local units. In Missouri, for example, in both parties there is a much more complicated organization. School district committees, township committees, county



committees, congressional district committees and the state central committees all perform important party work. Of these groups four divide the larger work of the party. The state and county committees deal primarily with the state and national ticket thus cooperating with the national committee. The district and township committees work for the congressional ticket and therefore work with the congressional committee.

The choice in each case is opportunist. No civil division has created for itself a uniform importance throughout the nation but the unit most frequently used has been the county. Its convenient size, local pride and the fact that its offices furnish a rallying point for local contests, a means for measuring local opinion and the skeleton of a "county organization" for the purposes of the state and national elections have led to its use for general purposes. Counties have been used (1) as the basis for the legal organization of the party as in apportionments for state and congressional elections, and in acts bringing the parties under legal control, and (2) for organizing the electorate for the purely extra-legal activities of the parties.

#### THE COUNTY AS THE LEGAL BASIS OF PARTY ORGANIZATION

##### 1. *Apportionment*

Division of the electorate into units for the purposes of representation is essential in party government. The basis of division may be the party itself. Each faction may be granted representation measured by the number of votes cast at the election. This is the foundation upon which all systems of "proportional" representation rest. But so frank a recognition of parties as the foundation of our political life has never been popular in America. Our states prefer to choose their representatives from territorial districts from each of which, with only negligible exceptions, but a single member is chosen. These districts themselves may or may not be determined in size by the population resident within them. Indeed the typical American method of distributing representatives in the state legislatures and congress is not one which in practice demands that each candidate chosen shall represent approximately an equal number of inhabitants. The idea of representation of locality so prominently exemplified in our national senate is expressed also in the basis of

representation in the legislatures of the states. It has always been so. In the colonial period, except in the three northeastern colonies, the political unit for the basis of representation was determined by the legislature as was also the number of representatives to be elected from each unit. Except in New England, where the township system gave rise to representation even more unequal, the choice was based on a county or borough basis. Little attempt was made to make the districts equal or to assign them representatives according to population. The importance of individual opinion as the basis of party action was disregarded. This complaisance disappeared, but traces of the old system still survive in our constitutions. Over three-fifths of the states give recognition to the right of territorial units within the state to representation without reference to the number of their inhabitants. In thirty-three states, including twenty-one of the twenty-six east of the Mississippi, the constitutions guarantee even now that each county shall have at least one member regardless of population. As a rule this provision has now ceased to have any political importance. In a few cases it still constitutes a discrimination in favor of rural as against urban communities.

Even in the states where the constitutions did not prescribe such a rule, in the first half of the nineteenth century the legislatures by custom favored recognizing the county as an apportionment unit. Single member districts were not obligatory, seats in the legislatures were distributed primarily to counties, and within these the legislature might or might not prescribe a further distribution to smaller units.

In general the western states have freed themselves from the influence of the "county" idea more quickly than their eastern neighbors. Especially after the federal apportionment act of 1842, which prescribed that members of the lower house of congress should be elected by single member districts, the state legislatures began to adopt a similar standard. Indeed the federal example no doubt, especially with the new states, was an important influence in bringing the change. The federal law required that members of the house of representatives "be elected by districts composed of contiguous territory equal in number to the number of representatives to which said state may be entitled, no one district electing more than one representative." Similar language soon after began to appear in the state constitutions. Thus Wisconsin in 1848 required that members



of its lower house should be chosen by single member districts "such districts to be bounded by county, precinct, town or ward lines and to consist of contiguous territory and to be in as compact form as possible."

The new system showed itself so easily manipulated by the gerrymander and the mere requirement that the districts should be "compact and contiguous" proved so flexible a rule in some states that the county was soon reintroduced in a new form for the purpose of checking the abuses of unequal apportionment. To stop the carving out of fantastic districts for party favorites or opponents, it was declared that, in making the districts, county lines should not be crossed. This scheme worked passably well in marking out such large sections as congressional districts; and for this purpose the counties and groups of counties are still the unit in ten states. But it was cumbersome when a large number of districts had to be made for the election of representatives to the state legislature. Indeed a requirement of this sort might actually force a gerrymander by making a division into districts with approximately equal population impossible. To be sure the increase in the number of counties which occurred in many states mitigated this evil somewhat, but, as a rule, the process was not rapid enough to keep pace with the increase in the number of representatives.

The scheme was evidently too cumbersome and the county was gradually discarded as the sole basis for political apportionment. In only seven states scattered from Maine to Montana do counties and groups of counties now survive as the only units of representation. In some cases they still serve partially to check the gerrymander by reversing its relation to the legislative districts. It is provided, not that counties only may be combined to form the districts, but that single counties may be divided if each district lies within the limits of a single county. Like the prohibition joining parts of different counties, this system may, however, prove a protection to the very gerrymander against which it is to protect. This use of the county unit has proved to be only a step toward the entire abolition of the county basis in favor of the unrestricted power of the legislature to map out the districts. The dominant tendency is clearly in favor of single member districts unconnected with any other civil division. The county is no longer favored as an apportionment unit.

If there ever was a good reason for using the county as a basis



for representation, it has now disappeared. Probably the provisions which survive would be dropped from most of the constitutions if they came before the people on their merits. A few states would perhaps keep them because of the growing distrust of the city population, a circumstance which explains, for example, the clause of the New York constitution of 1894 which requires that "no two counties or the territory thereof as now organized, which are adjoining counties or which are separated only by public waters, shall have more than one-half of all the senators."

In this generation, accustomed to the rapid methods of communication that have broken down not only local pride but also to a large extent the state jealousies formerly so prominent, the whole scheme of county representation is an anachronism. Localities have ceased to be the basis of contrasting interests. Who would extend the basis of representation of the United States senate? There are in the normal case no county issues which require expression. Even the members of our much maligned state legislatures, charged with all the sins of pettiness on the political calendar, though recognized by the speaker under the name of their counties, do not represent their districts except on private bills and log-rolling measures. The whip of the party caucus added to the changed conditions of our political and economic life have made "the member from Buncombe county" at once less bound by local prejudice and less independent of the larger interests of his party.

## 2. *Election Legislation*

The most striking development affecting parties in the last half century has been the increasing degree to which their activities have become subject to regulation by law. The printing of ballots, the canvassing of votes, the regulation of time and procedure of caucuses, primaries and conventions, even the choice of their own committees, have been more and more taken from the parties and put under public supervision and control. Legislation naturally adapted itself to the units which had been found most useful in the former extra legal organization of the parties. Most important of these was the county, indeed to trace the extent to which the county has been made the basis of the legal organization of the party would be, to a large extent, to trace the extent to which the law has been applied to the formal party structure. No two states are in exactly the same class.

Some, like Alabama, still allow parties only slightly less independence than formerly. Others regulate almost every detail of their structure.

The political duties placed on the county show a similar divergence. Alabama practically contents herself with requiring the county to bear the expense of printing the ballots and regulating the counting of votes. In states where regulation of political activity is popular, a large proportion of party activities are regulated on the county basis or are performed through county officers. An enumeration of the more important duties shows the wide extent to which some of the states have gone in making the county the basis of political administration. In Wisconsin expense accounts under the corrupt practice law are reported to county officers, except where the electoral district is larger than a county. The primary petitions of local officers are filed with the county clerk. Petitions for nomination to higher offices must have a certain percentage of the vote cast in varying numbers of counties. The county clerks give notice of the primary elections through newspapers, by posting and by notices to local officers. Notices of elections proper are made by them. They prepare county ballots and print and distribute them. They cause instructions to voters, tally sheets and sample ballots to be furnished. To county officers is given the duty of compiling and reviewing the returns of election reported from the townships and of compiling election statistics. Detailed rules govern the election of county committees in counties of varying population. The manner of electing precinct committeemen is determined by the nature of the county. The call, sessions and procedure of the county committees are regulated by law and the membership of congressional district committees is built up from party officers chosen within the counties.

It is to be noticed that, though the county officers are thus functionaries of the first importance in the politics of the state, they act chiefly as local administrative agencies of the state to enable it to reach the smaller political units, rather than as officers who are of a distinctly "county" character. "County politics" so far as these duties are concerned is chiefly a division of state politics or a means of making local political action uniform. The legalization of the political duties of county officers has not made the county an independent political unit in which policies turn on local issues.



THE COUNTY AS THE EXTRA-LEGAL BASIS OF PARTY  
ORGANIZATION

No matter to what extent the duties of parties are subject to legal restrictions, the true political life of the state must always move to a large extent independently of the law. Statutes may lay down the limitations and powers of political agents and divisions, but politics always bear a relation to the statute similar to that which actual government holds to the constitution.

Party in its actual workings may build up customs and politics independently of statute, just as it has developed institutions back of and independent of the letter and intent of our constitutional provisions. The examples of the electoral college, popular election of senators and the *de facto* requirement that representatives in congress shall live within the districts from which they are chosen show the tendency to change in the federal government the *de facto* constitution and laws, to conform to political needs. The nominating conventions held extra-legally and in express defiance of the intent of the primary laws in some states show the same tendency of the party to free itself from legal restrictions which do not fully meet the demands of party life.

The varying degrees to which the party uses the county as a unit in its organization are explained by this natural adaptation of means to ends. In no two states does the county stand in exactly the same relation to the general party organization of the commonwealth. Nor is the extent to which the county is an element in "politics" in the narrower sense uniform throughout the same state. A New York county in which population is concentrated, where the control of office involves great social and economic interests, may play a part in the state's political life of the first importance. A rural county on the other hand may be controlled by a much simpler organization; the interest in its political offices may be largely determined by the honor and salaries that attach to a few comparatively unimportant positions. Evidently the political life of a Texas county in the staked plains can bear no comparison to the complex functions of the political organization in New York county or Cook county. In other words a county or several counties may have a controlling influence in a state, but the county has no uniform political importance.



### 1. *Political Importance of the County*

In a rough way the importance of the county in state politics varies in the three divisions—New England, Middle and Western states, and the South, but there are individual cases and individual campaigns in which the grouping is by no means exact.

Whatever changes in the position of the town meeting have occurred in New England, none of them has worked for the marked increase of the power of the county. County officers attract little attention; they are in a peculiar way out of politics. The "county ring" of the middle west is known in New England only by report.<sup>1</sup> Those in office, skilled in carrying out the duties the law has assigned, are not interested in attracting public attention to their positions. Long terms for county officers are frequent in New England; county officials are timid before suggestions of radical change and do not court political contests. These conditions, coupled with the strength of the town government system, have made the New England county little more than a formal division of government.

The central and western states use the county to a greater extent, both in government and politics. In the states of the old Northwest Territory and in Pennsylvania, the relations of county and town in politics are almost the opposite of those in New England.

One of the states in which the county organization has developed greatest strength is Pennsylvania. This was true long before the Civil War, but it has been developed to the greatest degree by the republican party. Many of the counties have developed detailed party rules which cover as much space as a fair-sized state constitution. In Lancaster county a portion of the rules now enforced has remained unchanged since 1868. The county, in fact, is the center up to which the party organization in the local units is built and from which the state organization in turn rises. The state committee is chosen from districts which are based on counties. Each county has at least one representative. Legislative districts are counties or parts of counties. The party organization is centralized in the county and state conventions and the state and county committees. They raise the money for the campaign and in their hands is its active

<sup>1</sup> The "county ring" exists and is often strongly intrenched, but it is removed from popular interest and not a controlling force in politics. See "The City and County in Massachusetts." O. C. Hormell, *Proceedings of the Amer. Pol. Science Assn.*, 1911.

prosecution. Nowhere in the United States are county organizations more powerful and effective.

The third group, the Southern States, is one in which the county has always been the chief agency of local government. We might there expect it to be the all powerful agent in state politics. But it is not so. The South has never been so well organized for political purposes as has the North. For the last generation the one party system has reduced the control of state patronage and policy to a struggle between factions of the same party. A second consequence of the absence of normal party life has been the backwardness in taking legal control of the party. Under these conditions personal politics rather than party politics are the characteristic of political struggles and the county does not afford an agency of control easily seized upon by the candidates. So far as officers selected within the county are concerned the unit furnishes disputable ground but there are no true party divisions above the county and the local offices alone never furnish sufficient basis for strong party organization.

In the extra legal activity of the parties, as in the case of legislation affecting them, the importance of the county, where it is important, rises not from its character as a county, but from the peculiar local circumstances. Especially in counties which contain large cities the political organization may become highly important.

The importance of controlling the political machinery of great urban counties can hardly be overestimated. It is shown by the detailed organization and great legitimate expenses in a county containing such a center as Chicago or New York. In national politics the importance of controlling doubtful and pivotal states is familiar. In the states which way the election will turn often depends on the vote in the metropolis or its county, except when the issue is clearly drawn on lines of city versus country districts. The fortune of the state ticket and the political composition of the state legislature also depend upon the city vote in a few counties. Under these circumstances it is not to be wondered at that, other things being equal, the power of county party officers in the counties in which big cities lie, becomes a matter of prime importance.

## 2. *A Well Organized New York County*

The campaign of 1910 in New York county may be taken as an example free from the unusual influences of the national election,



and therefore showing, except as modified by the congressional elections, the extent to which the parties recognize that attention must be concentrated on carrying the counties of large population. Permanent county headquarters are maintained. The office force varies with the pressure of political affairs, as in the conduct of any other large business, but there must always be plenty of help to do the legitimate party work. In 1910 this item alone cost the republican party in New York county \$14,000, including rent, \$2,000; secretary, \$3,300; clerk hire, \$4,000; printing and stationery \$3,000; and miscellaneous, \$1,300. The campaign must be planned weeks before the election. Demands for information of the most diverse character must be met. Conferences must be held with candidates in the primaries and the party candidates in the election. Requests to congressmen must be considered. Counsel to candidates for the state legislature and lesser offices must be furnished. District leaders need assistance in managing their constituents. Monthly meetings must be planned for the subcommittees who are to do the local party work. Often party measures are drafted in the county committee headquarters. Here party policy begins to take shape long before the primaries and the election. Those seeking party support for their pet measures find the county committee an easy avenue of approach. During the summer, lists of election officers must be prepared and filed. A close watch must be kept to fill vacancies caused by deaths and removals. Two inspectors, a poll clerk and a ballot clerk must be furnished by each of the major parties. The party must see to it that the officers of election make the registration required; there are over 1,800 of these election officers in New York City as a whole. As the election approaches the county organization gives attention to getting out the full party strength in the registration of voters, for victories are often won on registration days and not at election. The registration lists must be checked up to defeat fraudulent registration. Party watchers for service at the polls must be chosen and workers to get out the electorate secured.

The campaign itself must be planned. Halls must be secured for political rallies and conventions. Of the latter there are over eighty in New York county alone. Speakers must be hired, for a modern campaign will not run by voluntary effort alone. A speakers' bureau must be maintained, "quartettes" engaged to sing campaign songs and bands to play popular airs, a "cart-tail" campaign must be



planned and campaign literature written, printed and distributed by carrier and by mail. Magazine and newspaper advertisements must be properly looked after. Automobiles must be secured to take candidates to different meeting places. Marching clubs need leaders, uniforms and red-fire torches. A machine which must perform such varied and important functions of necessity wields great power. Managing an important county headquarters is conducting a great public business, and demands first-class ability both in organizing the work and in its administration.

*The County Organization as a Collecting and Distributing Agency*

The extent to which the funds for the campaign are collected and distributed through the county committees, like the work performed by them, varies from state to state, from county to county and from campaign to campaign. In a county with a few hundred inhabitants both these functions are of course negligible. In states where the county organization is a prominent factor in carrying on party work, it is natural that this work should be done to a greater extent through the county committee. But there is no set rule. The county committee may be one of the collecting and distributing agencies, it is not the only one. In New York county, for example, with its strong party organizations, the smaller units, the assembly districts and wards, have their own independent collecting agencies and expenses. Some assembly districts, for example, bear all their own expenses. Others are helped by the state committee and even by the national committees, in national elections. Even where county organization is strong, however, the tendency is for the county committee to rely on contributions from the state central committees for a large proportion of the funds needed. Modern methods of managing the finances of campaigns encourage this dependence by centralizing the money-collecting in a few hands.

The disbursement of party funds, however, is more often carried on through the agency of local party organizations. In Wisconsin, for example, only an inconsiderable amount of money is reported as collected through county party officers, though over fifty per cent of the disbursements are made through "candidates and county committees."

In the extra legal activities of the party, therefore, the county

as such is a fluctuating factor. Its importance varies with the time of the elections studied, with the section of the county considered, with the state, and according to the importance and number of the offices created within the county. It varies within each state with the character of the electorate, as in urban and rural counties, and it is not necessarily uniform in the various campaigns. The use to which party puts the county is opportunist. If local conditions make it the most available tool, the county is an important political factor. If historical or local influences make some other basis one by which the electorate can be more easily reached, the county becomes a political pawn.

#### *The Perversion of the County Ticket*

Especially in sections of the state in which large cities are found, the county is an increasingly obstructive and unnecessary rider upon the municipal government. In such cases the county may have its political importance destroyed by the abolition of its functions. Where this is not possible it may become a serious hindrance to normal politics, because of the unwieldy character of its ticket which destroys responsibility to the electorate. The example of Chicago is a case in point. Few would argue that the functions performed by Cook county could not better be performed by municipal authorities. No doubt the county would already have been abolished, or its functions greatly modified, but for the fact that it is established by the Illinois constitution which is extremely difficult to amend. New York City suffers from a similar handicap and the legislature of the state has already gone almost as far as possible under the constitution in merging the four county governments into the metropolis. Since 1876 the city of St. Louis has been a political subdivision of Missouri entirely distinct from the county of St. Louis. In San Francisco county and city functions are consolidated.

But in the country at large few modifications in the position of the county have been introduced. A long list of elective officers is still found on the typical county ballot. The result is that, whenever the party finds the county the available basis of organization, these offices become highly prized party spoils. The county officers may thus become the stronghold of a strong party ring whose posi-



tion is secure because county functions do not command public attention. But even if this does not occur, the county officers blur the issue of the election and make difficult any intelligent choice by the electorate. No circumstance connected with the use of the county in politics contributes more to destroy normal action and true party responsibility.

The example of the county in which Chicago lies is, fortunately, not typical, but one which shows the disadvantages which, in a lesser degree, tend to make the county elsewhere an unfortunate influence in politics. At the head of the government of Cook county are fifteen commissioners, elected biennially, all at the same time, in two divisions, ten from the city, five from the county. There are eight executive officers chosen for four years. The state's-attorney, coroner, recorder of deeds and surveyor are chosen in the years of the national elections; the sheriff, treasurer, clerk and superintendent of schools are chosen in the intervening even years. Two tax boards are chosen for six-year terms, a board of assessors of five members and a board of review of three. Other officers elected by popular vote are: a county judge, a probate judge, a clerk of probate court, and a clerk of criminal court in the even years between presidential elections. A superior court clerk and a circuit court clerk are chosen in presidential years. All are chosen at the November elections when the ballot is already occupied by the state and national tickets. As a result the choice of county officers is made from a ticket containing candidates for over eighty officers; or sixty in the years when there are no national elections. The total number of names on the ballot approaches four hundred.

In the county election held in Harrisburg, Pa., on November 7, 1911, besides twenty-three city officers, the people voted on the following county ticket: a district attorney, a recorder of deeds, a register of wills, a sheriff, two county commissioners, a county treasurer, two directors of the poor, a coroner, two county auditors, an inspector of mines and a county surveyor. These examples illustrate a general condition. Nowhere in our elections are the principles justifying a short ballot more flagrantly violated than in the choice of county officers.<sup>2</sup>

<sup>2</sup> In California an amendment allowing counties to appoint all county officers except the board of supervisors was adopted in 1911. Los Angeles voted to come under the provisions of the amendment in September, 1912.



*The County Not a True Political Unit*

These conditions have not always been characteristic of our local elections. Our early history in many states found the county hardly a factor in politics, and probably politics has never normally run along county lines. The county is not an important policy-determining agency; in fact, in the average election it has no policies except such as are reflected into it by the larger or smaller civil units. There may be a national policy, or a state policy, or even a city policy, which the voter sees and to which he seeks to give expression by his ballot, but county policy is something with which the average voter is unfamiliar, because it so seldom exists. Even the county board, which is the policy-determining body, is one whose doings are unknown to the electorate and which too often hardly knows itself.

We have attempted to make the county a political division, though its functions are chiefly administrative. In some states its non-political character was once recognized. Communication then was slow, counties were not numerous, their officers were few and powerful and were largely appointed by the state government. They were useful agents for carrying out state laws. But in the enthusiasm for local self-government, the number of counties increased, the number of officers rose, and, under the plea of popular control, their choice was given to the electorate. The result is a confusion of political with administrative positions in which the "superior officer" of those in county offices is the distant and indulgent body of voters in the county. A review of the functions usually performed by county officers shows to what degree the duties are administrative, not political, and therefore duties in which experience and proficiency, not party service, should determine the choice.

1. Levying taxes and spending their proceeds are the only functions in which *policy* is a constant element. The officers who have these functions under control should be a single body elected by the people and few in number so that responsibility may be centralized.

2. Other functions are chiefly administrative; most of them indeed are branches of state rather than of local government.

- (a) The county performs judicial functions. Its officers enforce most of the laws made by the state legislature. If the people of a locality are opposed to the enforcement of an act they can elect a

judge, a sheriff, or a prosecuting officer pledged to temper its rigors. If the terms of the officers are short, their subservience to local sentiment is accentuated. Every temptation is placed before the officials to set their course by the political compass. In other words, officers intended to be free from politics are forced into its service. They were intended to carry out policies which the legislature dictated; they tend to become agents who determine how far the policies for which the lawmakers declared shall be enforced. For large classes of laws this results in "local option" of the most pernicious sort. The failure of state-wide liquor legislation in many of our states is an eloquent illustration of the results of putting into political control offices which should be administrative.

(b) The county clerk has administrative functions in elections, taxation, distribution of state funds and the like, all of which are essentially state functions.

(c) The county auditor protects the public funds. Whether he should be a state or a local officer is a question, but there is certainly no reason why he should be a democrat during a democratic administration and a republican when the republicans are in power. A similar criticism applies to the surveyor, and to the coroner, if indeed the latter office should be maintained at all. Supervision of education, road building, mining and the various other activities in some states placed in the hands of county officers fall under the same comment. These officers may be selected locally or by some state agency, but there is no reason why they should be political offices; for, in all but exceptional cases, these positions involve duties, not policies, and duties are determined by statute, not by local party decisions.

### *The County in Politics*

The review of the position of the county demonstrates that, as a true political factor, it has no definite position. It has been practically discarded as the political basis for districting the elections. It is used in legislation for the control of elections and as a division for the execution of the laws. But this is a position in which any other unit of convenient size would serve the purpose as well. In fact, many states use the county for this purpose only, in connection with a number of other divisions. The parties themselves, in a large part of the country, group their organization around the county as a

basis, and in many instances the county thus becomes a factor of the first importance in political control. But this is explained by history, local circumstances and convenience, rather than by any peculiar fitness the county as a county has for performing political functions. Both where parties make the counties the basis of their political organization and where they do not, the long list of elective county officers is one of the chief factors in confusing the ballot. The movement to remedy this abuse can as yet hardly be said to be under way. The plan of abolishing county government or restricting it to the minimum allowable under the constitutions, which has been adopted in a few counties containing large cities, is evidently not available as a general solution. The movement to simplify the position of the county in politics by cutting down the number of its elective offices has found expression in law only in California.



## THE MERIT SYSTEM AND THE COUNTY CIVIL SERVICE

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Although the application of the merit system in appointments to the public service has been made a part of the administrative laws of six states and over two hundred cities in the United States, its adoption for the services of counties has been slow and halting. Civil service laws are to-day in operation in seventeen counties in New York, four counties in New Jersey, one in Colorado, one in California and one in Illinois. A state-wide civil service bill is now before the legislature in Ohio, as the result of the adoption of an amendment to the Ohio constitution last September, placing the service of the state, its cities and counties, on the merit basis, and this bill applies to the county service. Its enforcement is to be under the jurisdiction of the state civil service commission. These cover, however, all the counties under civil service laws anywhere in the country. Even in states like Massachusetts, Illinois, Wisconsin and Colorado, where state-wide civil service laws are in operation, the services of the counties, with the exception of two counties only, are still filled on the basis of the spoils system.

The result has been that the management of county charitable institutions, the important and difficult work in county legal offices and the administration of county public works, all calling for trained expert services, are commonly conducted by political appointees, chosen because of their political beliefs and activities and but poorly qualified to do their work. County jails, workhouses and other correctional and charitable institutions are badly kept and mis-managed, and the wards of the community are ill treated or not treated at all. The clerical service in county offices is frequently inefficient, the business of the county clerk's and county register's offices is poorly conducted, and records are kept at the best in a haphazard, accidental fashion which is expensive alike to the county and to the individual citizen in his business affairs. Meanwhile the service of the county is the property of the political party which happens to be in power and supports a small army of political hangers-

on who form the nucleus of the political spoils machine. In the service of a great and important administrative division of the state, in other words, the evils of the spoils system are allowed to continue unabated.

It is difficult to find any good reason for this neglect of the sound principles of the merit system in the counties of the state. It has been due either to active political opposition against the abolition of spoils, or to the notion that the county civil service is relatively unimportant and not worth the trouble or expense incidental to a properly devised and effectively administered merit system. This notion, however, is a mistaken one.

The merit system is a businesslike method of appointments to public office designed, first, to prevent the public service from being used as the basis of a political machine and, second, to provide the necessary machinery for the choice, through examinations, which, so far as practicable, shall be competitive, of properly qualified persons to fill public office. It is a reform absolutely essential, if efficiency, economy and businesslike administration are to be expected in public work. Without it, unless our political habits of mind are to be radically changed, it is hopeless to expect that the wastefulness, inefficiency and scandal in national or local administration, the inevitable accompaniments of the spoils system, will be eradicated.

No change in the form of county government, badly as it may be needed, can be counted on alone to effect this reform. Unless the establishment of the merit system be made a matter of law, abuse of the power of appointment to pay political debts and purchase political support is sure sooner or later to develop. Concentration of responsibility in the hands of a small board, for example, even with provision for such a check as the recall, will fail, because it is not administrative detail in which the people are interested. As was stated in the article on civil service provisions in commission charters by Mr. Elliot H. Goodwin in the November, 1911, issue of *THE ANNALS*, "the belief that the people can or will hold administrative officers responsible for the manner in which they fill subordinate positions is a denial of actual experience to the contrary. Under any form of government the appointments to subordinate positions are matters of administrative detail of which the people are commonly ignorant and to which they cannot in the nature of things give careful attention. If, however, the principle that merit and fitness alone



shall rule in all appointments and promotions is embodied in the governing law of the community, any violation of the law or the spirit of that law raises an issue which is clear and concrete. This makes possible the holding of the offender responsible therefor at the polls."

If the desirability of removing the services of our counties from politics be granted, the only problem to be considered is that of the most efficient and at the same time most economical method of civil service administration. Certain principles of civil service administration must first be recognized if the enforcement of the civil service law is not to be set at naught. First among these principles is that the civil service commission must be removed from the control by the executive officers whom the civil service law is intended to check in the exercise of their power of appointment. Whatever may be the appointive power, the most effective checks against this control are provisions that the commissioners shall be appointed for overlapping terms of considerable length and shall not be removed except for reasons given in writing and after an opportunity to be heard publicly in their own defense (without, however, any right of appeal to the courts), and that the drafting of the rules to put the civil service law in effect shall not be subject to the veto of the appointing power. By providing for overlapping terms extending over the term of the appointing authority it will not be possible for any executive completely to reorganize the commission at the beginning of his term by making a clean sweep, and the public at the same time will be given the benefit of the services of commissioners who have had experience in the administration of the law. Provision for removal only after a hearing upon stated charges prevents the summary discharge of an efficient commissioner for political reasons. A civil service law cannot contain all of the details for its effective administration. It should contain the broad principles and should embody all provisions essential to its proper enforcement. Rules covering the details should be drafted by the experts appointed for that purpose, that is, the commission. Approval by the chief executive at once puts the enforcement of the law at the mercy of a hostile governor, mayor or county board.

In any properly devised system of civil service administration these principles must be observed. The specific problem in connection with the civil service of counties is solely the question of



whether the law shall be administered by a local board or by a commission having state-wide jurisdiction. Experience has shown that, even in the case of the municipal service, state control, as in Massachusetts and in New Jersey, or state supervision, as in New York, is by far the preferable system. In Massachusetts the enforcement of the civil service law is mandatory on all cities and its administration is conducted by the state civil service commission. In New Jersey the civil service law is mandatory only as to the state service, but becomes effective in the civil divisions of the state, including counties and villages as well as cities, after adoption by the people at a regular election. When so adopted it is administered not by a local commission but by the state commission. In New York the civil service law of the state is based on a constitutional provision. It applies to all municipalities, but is administered in cities by local commissions subject to the supervision of the state commission. Changes in the rules, including changes in the classification in municipal services, must first receive the approval of the state commission before becoming effective, and the work of municipal commissions throughout the state is subject to investigation in all its particulars by the state board. This system of state control has removed municipal services in Massachusetts entirely from the control of local authorities, and state supervision has proved an effective check against the overthrow of the merit system by hostile mayors in the cities of New York. It is of particular advantage for the smaller cities where the service is so small as to render a well-paid commission, capable through an efficient chief examiner of holding thoroughgoing examinations, out of the question.

The advantages of state supervision or state control for municipalities would be and have been fully as great for county services. Of the twenty-four counties throughout the country now under civil service laws, twenty-one are under the complete control and direction of state civil service commissions. These are the four counties in New Jersey and the seventeen counties in New York. The New Jersey law has been made to apply to the services of the four largest counties in the state, namely, Essex, Hudson, Mercer and Trenton, through adoption by the people at the polls. The extension to the counties in New York has been on a different principle and the history of this extension and its results are worth giving at some length.

The Constitution of New York State—Article V, section 9—reads in part as follows:

. . . Appointments and promotions in the civil service of the state and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive. . . . Laws shall be made to provide for the enforcement of this section.

The present civil service law placing the service of the state departments on the merit system, is mandatory, as already explained, for cities, but leaves to the civil service commission the power to extend its provisions in its discretion to the service of counties and villages. Its first application to county services in New York was made in 1900, when the state civil service commission took under its jurisdiction the counties in the state having a population of 100,000 or over, namely, Richmond, Kings, Queens and New York, comprising the Greater City, and Erie county in the western end of the state. This extension had been urged on the state commission for a long time by the friends of the merit system. In its report for the year 1899 the commission, after outlining its plans for this extension, explained the reasons that led thereto as follows:

. . . The necessity of classifying the service in the counties with a population of 100,000 is so great that it cannot be overlooked. The efficiency of the enforcement of civil service rules and regulations in the cities is greatly impaired in all cases where the county service, often largely centralized in the same buildings or in the same vicinity, is unclassified and left as a matter of patronage. Consistency also requires that county offices which in their nature are similar to existing city offices shall be classified in a similar manner. We doubt not but that the bringing of this service under civil service rules and regulations will produce great benefits to the service.

The extension was made by amendment to the civil service rules on June 16, 1900. In its classification of the services of these counties the commission held that subordinates who were paid solely from fees should not be put in the competitive class, since they were "for all practical purposes the servants of their superiors rather than of the county or of the state," and since the commission had no power effectively to enforce its rules and classification which it possessed in other cases, namely, that of preventing the payment of salary by refusing to approve the payroll of those illegally appointed. This materially cut down the number of places that would otherwise have been made competitive, but the change did bring under the competitive system a total of 977 places.



The new system was tried for five years, with such success that in 1905 the rules were extended to cover the services of Albany, Monroe, Onondaga and Westchester counties. Four years later another extension was made to the services of eight additional counties. In making this last extension the commission declared that "with this extension of classification the service in seventeen counties is now under the civil service rules and it is believed that all of the counties have been classified in which the service is not at present so small or so largely organized under the fee system as to make classification impracticable."

Besides the counties in which the entire service has been classified, the New York commission has, by its rules, provided that county superintendents of highways and county sealers of weights and measures in all other counties as well shall be in the competitive class. This opens the way to extending the competitive system to particular offices in all counties of the state where competition would prove beneficial, even though the entire services of all the counties be not classified.

From the beginning of this extension of the rules the commission has had to meet constant opposition to competitive classification from county officials. Requests for exemptions have commonly been based on the shop-worn plea of "confidential relations" between department heads and the subordinates involved. Many of these requests for exemption have been denied, but there are nevertheless a considerable number of positions which the commission has exempted from competitive examination and which should be so filled. The merit system in New York counties, furthermore, met with a serious setback in 1908 in a decision of the court of appeals in the case of *Flaherty vs. Milliken* reversing both the lower courts and holding that a large number of employees in the office of the sheriff in Kings county were his personal agents, since they had to do with the civil business of his office, and should, therefore, be exempt. The court in its opinion said: "The relation between a sheriff and his appointees . . . is not merely that the sheriff is liable for the default of his appointee, but that the appointee for such default is liable to the sheriff and to no one else." The positions involved in this case were those of assistant deputy sheriffs, jail keepers and matrons, and as a result of the decision a large number of places in the offices of the sheriffs are now exempt. Commenting on this case



in its report for the year 1908, the New York State commission gave an authoritative statement of the political uses to which these exempt places are put. It said:

The practical operation of the rule of personal agency is, in large measure, to open the door to appointment for political purposes of persons in whom no real trust is reposed. These offices are in practice found to be a haven for political spoilsmen, demoralizing in its influence on the general operation of the merit system and prejudicial to the honest and efficient administration of the jails. The law should be amended to bring the employees of the sheriff into the civil service, stop the notorious use of these places as political spoils, and secure the transaction of this branch of the public business by competent persons, free from the obligation or temptation to respond to improper influences in the use of legal process and in the care of prisoners.

Within the last month, however, the New Jersey Court of Errors and Appeals in a case involving the classification of the warden in the Hudson county jail handed down a decision precisely the opposite of that in the New York case. The argument that the subordinates of the sheriff were his personal employees the New Jersey court held

is unsound. . . . As soon as the sheriff selects and employs assistants they become the servants of that municipality for whom the sheriff is acting, as the agent, and they become amenable for their official misconduct, in the performance of the public duties devolved upon them in their respective positions, to the public. In concise terms they are minor public officials acting under the supervision of an official of a higher rank or grade.

In conclusion the court said:

It must be borne in mind that the object of the legislature was to secure by means of the civil service law efficient public service in the state institutions and in the governmental departments of this state. . . . This efficient service to which the public is entitled cannot be well subserved by a change in the persons who are appointed and employed by the sheriff to take care of the jail every time a new sheriff is elected, since he can hold his office for no longer period than three years and is ineligible to a re-election to succeed himself. It is a self-demonstrative proposition that the warden of a jail during the three years of his incumbency of that office acquires by experience valuable knowledge and efficiency in their discharge. He is more valuable in the public service than one who has not had that experience. There is nothing in the civil service law which prevents the discharge of an employee who may be found guilty of incompetency or official misconduct upon charges made and after a hearing. The general design of the act was to put such positions beyond political control, partisanship and personal favoritism, in order to secure to the state and county the best public service.

The New York and New Jersey system of civil service administration for counties has proved itself highly satisfactory and beneficial. Denver county, Col., Cook county, Ill., and San Francisco county, Cal., are the only other counties subject to civil service laws. The system in Denver county, established a short time ago by charter amendment reorganizing the city and county government, is not yet under way. The service of San Francisco county has been under the merit system for only a few months. Several years ago provision was made in the charter of the city of San Francisco for appointments to the service of the county as well as of the city through competitive examinations conducted by the city civil service commission. This charter provision was declared unconstitutional, but in October, 1911, a constitutional amendment was adopted to meet this difficulty. In December, 1912, a charter amendment was accordingly approved by the people and the civil service provisions of the charter, improved in certain respects and administered by the city commission, were extended to the county service. The system has been in operation for too short a time to permit of any conclusion as to its effectiveness. Provision is made in the amended civil service section of the charter for the appointment of commissioners for overlapping terms, and a check is thus established against the complete control of the local commission by the county board, which has the power of appointment. There is, however, the danger that the policy of the commission will be affected by local political conditions.

In Cook county, Ill., part of the service at least has been under the merit system since 1895. The Cook county civil service law passed in that year applied only to positions under the ministerial jurisdiction of the county board, or about one-third of the 3,000 county employees. It was administered by a county civil service commission separate from both the state civil service commission and the civil service commission of the city of Chicago, which is practically identical with Cook county. In 1911 the law was radically amended and improved, retaining, however, the local independent commission. Within the last few weeks the amended law was declared unconstitutional on a technicality in its passage through the legislature and the old law is now in force. Events of the last two or three years in Cook county are of value, however, as illustrating the danger of an independent local commission.



The democratic landslide of 1910 brought into office, among others, the Hon. Peter Bartzen as president of the Cook county board. Mr. Bartzen had been at one time highways commissioner in the city of Chicago under Mayor Harrison, and in that office had displayed many eccentricities and open hostility to the city civil service law. The democratic platform on which he was elected to the Cook county board in 1910 pledged the party candidates to civil service reform. This pledge, however, was apparently for advertising purposes only, and a secret pledge, which came to light after election, said to have been signed by all the Democratic candidates, pledged these candidates on their word of honor to place at the disposal of the Democratic County Committee all of the patronage of their respective offices. The county civil service commission was immediately reorganized and Mr. Bartzen at once began to make removals from the service. His first act was to discharge all probationers; others were forced to resign under threat, and still others were discharged for offenses alleged to have occurred several years before. Many positions were abolished and recreated under new titles, to which new incumbents were appointed, and the net result was that, in a short time, one-fifth of the 1,000 employees were removed from the service. The service, furthermore, was packed with political hacks, and many appointments were made without any reference or notice to the civil service commission and often in the face of existing eligible lists. When the president of the civil service commission, some weeks later, refused to certify to the payrolls of these illegal appointees he was discharged for incompetence and neglect of duty.

Meantime the Civil Service Reform Associations of Chicago and Illinois had secured the introduction in the legislature of a number of civil service bills applying to the state service, the service of the city of Chicago and to Cook county. The campaign for this new legislation began in the fall of 1910, when candidates for the legislature, and for Cook county offices were placed on record, through pledges, as for or against comprehensive civil service legislation. The people, by a majority of nearly 300,000 votes, advised the legislature that they favored the passage of this new legislation. The largest majority for the amendments was in Cook county, which was the only county affected by the changes in any of the laws. The legislature accordingly at its session in 1911 passed a bill amend-



ing in a sweeping fashion the Cook county law. This was the new county law referred to above which was recently declared unconstitutional.

In spite of the passage of this legislation and of the significant popular vote in favor of the merit system in 1910, Mr. Bartzen continued to jockey with the civil service and kept up his attempts at intimidation of the civil service commission. In the fall of 1912 he was a candidate to succeed himself. The result of that election was peculiarly significant. His opponent was Mr. Alexander A. McCormick, a member of the Chicago Civil Service Reform Association. The main issue was Mr. Bartzen's notorious record as a spoilsman as contrasted with Mr. McCormick's record as a civil service reformer. The result was a crushing defeat for Mr. Bartzen, who was the only democrat on the ticket to fail of election. When Mr. McCormick became president of the board, the civil service commission was reorganized and took up the work of classifying the service on the basis of duties, standardization of employment, etc., which the Bartzen board had failed to touch. Mr. McCormick, however, has recently had difficulty with the commission, resulting only a few weeks ago in the removal of two of the commissioners. The removed commissioners are contesting their removal in the courts and in the meantime insist on regarding themselves as the only duly authorized commission.

Actual experience with the system of appointments on the basis of merit in the county services has fully demonstrated the entire practicability of placing the service of counties under the competitive system. With the improvement in methods of examinations which has been such a marked feature of civil service development in the last few years, it is now possible to fill even the higher positions in county offices through civil service examinations. This is particularly true of legal positions or positions which involve legal matters. It has been peculiarly difficult to bring the public to believe that a civil service examination could be devised which would properly and adequately test qualifications for such positions as that of a law clerk or legal officer in a public department. Because, too, of some of the peculiar features of county government, particularly in the prosecuting attorney's office and in the office of sheriff, the argument that the head of the department should have complete power of appointment because his employees were in confidential relations with

him has been stretched unduly in county services. It has been repeatedly demonstrated, however, that legal positions, even of a high grade, can be filled through a practical competitive examination. This is done in the office of the corporation counsel in New York City, where assistant corporation counsel, receiving \$3,000 or less, and all the junior assistant corporation counsel, are in the competitive class, and in the office of the attorney-general of the State of New York, where all but one or two of his deputies are now competitive employees. The public is coming to appreciate the fact that, for a great many of the exempt positions in the state service, the department head actually exercises less personal discretion in the matter of appointment than he would if his employees were chosen from eligible lists established by the civil service commission. His will and wish are altogether too often circumscribed and hampered by the will and the wish and the orders of the political boss or leader to whom he owes his office. Demonstration in practice of not only the propriety, but the necessity of taking county employments out of politics and placing them on the merit system should remove all doubt as to the proper method of employment for the conduct of county business. If the system can be administered by a central civil service board, as it is in New York and in New Jersey and soon will be in Ohio, the problem of providing the machinery of this system of appointment for counties is easily and effectively solved.

## THE CORONER'S OFFICE

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The word coroner is derived from the Latin *coronarius*, which is perhaps more literally translated crowner. Such was, in fact, the older English name of the officer from whose duties have been developed those of the modern coroner. The crowner of old was the personal representative of the crown and his chief original duty was to look after the local interests of the crown. It does not seem unfair to assume that it was a very short step from the conservation of property already the crown's to the confiscation of effects of value found upon unidentified dead, and that gradually the main duty of the coroner came to be the inquiring into the mode of death of those violently slain. Most of our American law is derived from English law and precedent, and, in taking over the coronarial office, most of the states of the Union have made little alteration in the main duties of the office; such changes as have been made have consisted largely in the addition of extraneous and unrelated duties. All this has served to make the coroner of to-day, in most states, an officer with most poorly defined and often conflicting duties. Perhaps this fault depends upon the fact that Anglo-Saxon law was, and is, primarily rural law. Rural law did not originally contemplate the aggregation of people into cities and has not always been able to adjust itself satisfactorily to the complicated and new conditions brought about by such aggregations. The modern coroner, in sparsely populated rural counties, might well continue in his present indefinite state without doing any very great amount of harm. But in more densely populated counties and in cities the main duties of the coroner are of great importance.

Except in those few states where the laws have been so radically altered as to do away with the coroner's office entirely—a distinct departure from Anglo-Saxon precedent—the duties of the office are generally performed under loose statutory provisions. Indefinite basic legislation must of necessity lead to inadequate performance



of the duties *supposed* to belong to any office. This fact has led to investigations of the coroner's office from time to time by civic associations and by medical and legal organizations; upon the part of the latter because of the nature of the duties of the office, and upon the part of civic associations because of inefficient administration. During the past year the Municipal Association, now the Civic League, of Cleveland, began a series of investigations into the efficiency of administration of the various local county offices. The coroner's office was the second selected for examination. The primary inquiry into this office soon brought to light that, whatever poor administration the local office might show, questions were involved that were broader than mere local and individual efficiency or inefficiency, and that the state laws under which the office operates appeared to be at fault. In order that a more thorough investigation into underlying faults might be made, a committee of four physicians and four attorneys, with the writer as chairman, was named. A detailed study was made, (1) of the Ohio statutory provisions relating to the coroner, (2) of the conduct of the office throughout the state, and (3) of the laws relating to the office in other states. Since this study showed that local faults are common to practically all states whose laws provide for the maintenance of the coroner's office, this paper is based largely upon the work and the findings of that committee.

In Ohio, as elsewhere, the chief duties of the coroner, as laid down by statute, relate to activities in cases of death supposed to be due to violence. His function in such cases is to determine, first, whether or not death has been due to violence, and usually violence is defined as unlawful means which call for punishment, secondly, from his inquiry and from his questioning of witnesses he must attempt to fix the responsibility for the crime and to name the perpetrator, and must take such steps as will aid in the apprehension of the suspect. Such are the essential duties of the coroner in practically all states. The importance of, and the training required for, their proper performance will be discussed later. Such difficulties as occur in the administration of the coroner's duties are due, in part, to an improper understanding of the qualifications required, leading often to slipshod and useless, and sometimes actually harmful, investigations of murder cases; in part, to statutory indefiniteness, so that the coroner often acts in cases in which he has no jurisdiction,

which leads to uneconomical administration; and, in part, to the addition by legislative action of anomalous duties which have no relation to the coroner's chief function. As somewhat ridiculous examples of the latter we may cite two provisions of the Ohio statutes. One requires that the coroner shall assist in the endeavor to arrest convicts escaping from the penitentiary; and another makes it his duty to arrest persons selling liquor contrary to law within two miles of the place where an agricultural fair is being held. It is the provisions, handed down from the older English law without revision to meet more modern conditions, all proper enough when the coroner was a sort of assistant sheriff in rural communities, that have brought the office of coroner into disrepute. In general, we must conclude that the coroner's office is an anachronism and that it does not fit in well with the complexities of modern urban civilization. In every state where this has not already been done, there should be such a revision of the statutes as would make the coroner's chief duty the investigation of suspicious deaths and as would place such investigation in the hands of properly qualified officers.

Since in most states the laws provide that the main function of the coroner shall be his investigation into violent deaths, and since this should be his sole function, it is well to go into this matter somewhat more in detail. Theoretically, the coroner should offer invaluable aid in cases of murder. In so far as he must determine that death in any given case has been caused by criminal means, his duties are medical. In the questioning of witnesses, either alone or before a jury, his duties are of a legal or judicial character. It is demanding rather much that a single individual should be able to perform a medicolegal autopsy and to give valuable testimony in a criminal prosecution, and that he, at the same time, should have legal training sufficient to conduct an inquiry which would aid in the detection of the criminal. And, as a matter of fact, the individual who attempts to combine these highly specialized functions, when he acts as coroner, usually is inadequately trained in both. The Ohio statutes require no personal qualifications of the coroner and demand only that he shall not be a practicing attorney. In Ohio the coroner is by custom usually a practicing physician. In many counties of Indiana he is an undertaker. What he may be in other states is a matter of small moment, so long as he certainly cannot be expert both in medical and legal matters. Because of inadequate personal training,



the medical duties of the coroner are usually inefficiently performed. Upon this point the conclusion reached in the local investigation was that "the autopsies performed by the coroner. . . are valueless, both in determining the cause of death for vital statistical purposes and as a basis for evidence in prosecutions for criminal offenses." Furthermore, because of improper legal training, the coroner is not able to bring out important points; often the prosecution is hampered because the coroner's inquest permits the "covering up" of witnesses proved important or because the testimony brought out aids the suspected criminal in escaping punishment. The actual prosecution of criminals rests in the hands of the prosecuting attorney or the commonwealth attorney. The coroner should be the latter's chief aid. As a matter of fact, the coroner usually works alone, in a blind and untrained fashion. If the office of coroner is to be retained, there should at least be statutory provisions which would make mandatory the closest cooperation with the prosecutor.

However, since the prosecution of criminals is the duty of the prosecutor, upon whom all of the responsibility of the conduct of the case for the state must rest, and since the duties now devolving upon the coroner are of such a highly technical nature that their adequate performance by any single individual appears out of the question, it would seem preferable that some plan, other than that in vogue in most states, be devised for taking care of the coroner's duties. The present legal duties of the coroner should be performed by one conversant with the law. The creation of a new office for this purpose would not be necessary, since the responsibility for the building up of a strong case for the state in criminal trials already rests upon the prosecutor. Because he is the responsible officer in criminal actions and because of his legal training, the inquiry into the causes and the circumstances surrounding supposedly violent deaths should be conducted by him. And it should be conducted in such a way as to render every possible aid to the state in a future prosecution. With this object in view witnesses should be kept segregated and those whose testimony is of importance should be placed under bond for future appearance. Interference with the rights of one who may later be called upon to defend himself in a criminal action could not be urged against this plan, since it is virtually the method of procedure in grand jury inquiries.

The holding of inquests by the prosecutor in cases where death



is supposed to be due to violence would leave remaining of the really essential duties now performed by the coroner only the medical investigations. The purpose of any postmortem examination is the determination of the cause of death. Even when there is no suspicion of criminality involved, the proper performance of an autopsy requires some knowledge of normal and morbid anatomy and such technical experience as will prevent the destruction, through faulty technique, of evidence offered by the body. In the medicolegal autopsy upon the bodies of those supposedly dead of criminal violence, more is necessary than the mere finding of a gunshot wound or a stab wound as a probable cause of death. It is necessary to exclude as a probable or possible cause of death lesions other than those evidently due to violence. Furthermore, the results of the medicolegal postmortem examination must be recorded in such a way that the record may form the basis of competent testimony. The medical investigation of supposedly violent deaths should be by a properly qualified medical examiner. In addition, there should be provision for the calling in of such experts as may be needed. Particularly in deaths by poisoning, the help of one so expert in toxicology that his testimony will have weight is necessary. With the abolishment of the anachronistic coroner's office and with the transference of the legal duties now devolving upon the coroner to the public prosecutor and, further, with the medical investigation in the hands of trained medical experts, we would have an approach to the procedure in vogue in Germany and France. This plan is in use in Massachusetts, and the law of the latter state should serve as the model of the kind of intelligent legislation needed.

Laws putting such a scheme into effect should be clear and explicit in defining just what cases should come under the combined jurisdiction of the prosecutor and medical examiner. There is raised at once the important question whether there should be investigation of deaths other than those supposed to be due to violence, that is, deaths "caused by unlawful means such as usually call for the punishment of those who employ them." The coroner usually acts in two great groups of cases which do not come under this head; namely, deaths due to accident and deaths of persons who were unattended by a physician before and at the time of death. In some states definite provision is made for the coroner's investigation of deaths due to accidents, even to the extent of providing for the

taking of testimony of injured persons whose death appears imminent. In other states the coroner acts in such cases without definite statutory authority. Under existing conditions such investigations appear rather futile. Although the coroner may be able to place the blame for an accident and may be able to establish that a person may have been injured or killed through negligence, punishment for such negligence is not possible except in the few states which have criminal negligence laws. If there were such laws in all states, then the investigation of deaths due to accident would clearly fall under the same head as those due to violence. The mode of death could be established by the medical examiner and the blame for the accident or negligence could be fixed by the prosecutor's inquiry. Criminal prosecution could then be made with the assurance of punishment if the criminal nature of the negligence is established. Violence and negligence are very closely related and it is a rather sad commentary on modern civilization, whose growing complexity constantly tends toward an increase in the number of injuries and deaths due to negligence on the part of others than the injured or killed, that such negligence is not made criminal and punishable.

The investigation by the coroner of deaths where a physician has not been in attendance brings up the important question of the registration of vital statistics, and here again, just as in the accidental deaths, the coroner acts in many cases not definitely provided for by law. Ohio has a fairly good vital statistics law, of recent enactment, which provides that deaths of unknown cause, or when a physician has not been in attendance, are to be reported to the registrar of vital statistics, who must attempt to determine the cause of death. Only when his examination and questioning fail to reveal the cause of death is he to call in the coroner. There is no fault to find with such a method of procedure, if it is properly lived up to, and in the medical examiner plan proposed such cases might well be submitted to this officer for further investigation. Locally it was found that the number of coroner's cases is unnecessarily multiplied because physicians, police officers and undertakers report cases of the kind under discussion directly to the coroner, instead of to the registrar, as provided by law. With a proper carrying out of the vital statistics law, the procedure would be the same, whether the final investigating officer is called a coroner or a medical examiner; the latter, being supposedly more expert than the ordinary coroner, would render rather vastly more valuable service.



There is no doubt that attempts to abolish the coroner's office will meet with opposition, not only because it does away with an elective office, but also because a position of inertia in public affairs seems to be so much easier to maintain than one of progression. There can be no doubt, however, that the abolishment of the present anachronistic coroner's office and the distribution of its duties between the prosecutor and medical examiner would lead to vastly increased efficiency. The method of appointment of the medical examiner, whether by the prosecutor, the county commissioners, or some court, is a matter for solution by each state. Important for good service is the freedom of the medical examiner from political influences. That there may be in every state a few coroners who perform their duties well is not a good argument against the abolishment of the office. They are rather the exceptions which prove the rule.

In the opinion of the writer the following conclusions appear justifiable:

1. The statutes relating to the coroner's office in most states are not adapted to present-day conditions. This is especially true in cities.
2. The duties demanded of the coroner require considerable knowledge of both medical and legal matters. No single individual can be expected to be properly qualified in both subjects.
3. Because of improper medical qualifications, most coroner's autopsies are valueless, both for determining the cause of death in a scientific manner, and for furnishing the basis of expert testimony.
4. Because of inadequate legal training upon the part of the coroner, the coroner's inquest is usually not conducted to the greatest advantage of the state. In fact, it often hampers the prosecution of criminals.
5. The inquiry into the circumstances surrounding violent deaths should be by an official with legal training. Since the prosecutor or commonwealth attorney is responsible in such cases it would seem best that the inquest should be by the prosecutor's office.
6. The examination into the causes and nature of death should be by an official with proper medical training. The medical examiner would then become an important aid to the prosecutor.
7. There should be ample provision for the calling in, upon the request of the prosecutor or medical examiner, of experts.



8. In most states the investigation of the coroner into deaths due to accident or negligence leads to nothing of value. With proper criminal negligence laws the prosecutor and medical examiner would act together, in these cases, just as in deaths due to violence, for the purpose of preparing the strongest possible case in criminal actions.

9. Where there are vital statistics laws, deaths from unknown causes or deaths when a physician has not been in attendance should be reported first to the registrar of vital statistics, and not to the coroner. Only when the registrar is unable or unwilling to assign a cause of death should the medical examiner be asked to investigate; in this group of cases his examination should be made **only** upon the definite request of the registrar.

## THE PUBLIC PROSECUTOR: HIS POWERS, TEMPTATIONS AND LIMITATIONS

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New York County.

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The prosecuting office is one of wide-reaching influence. It is the focal point of the administration of the criminal law. All prosecutions of major importance pass through it and are conducted by it, and upon the skill with which it conducts them depends in large measure the effectiveness of the administration of the criminal law. But efficiency in the conduct of criminal cases represents the least of its potentialities. The radius of its influence extends to every activity of municipal government. Wilful neglect of duty on the part of any public officer is a crime. Every public officer and every public office performing functions within the territorial limits over which the prosecutor's jurisdiction extends, is at all times subject to investigation by the grand jury; and, while theoretically the prosecuting officer is but the agent and official adviser of the grand jury, in practice the grand jury acts upon his initiative and does his bidding. Hence it lies within his powers, if not to ensure good government, at least to stimulate efficiency in almost every branch of the public service. The fate of political parties, the choice of candidates, the issue of elections, often depend upon his almost unhampered discretion. An investigation shrewdly instituted and effectively protracted, may create an impression of inefficiency or of corruption sufficient to discredit an administration or a candidate for office, however honest or efficient. A failure to investigate often permits the continuance of an inefficient or corrupt administration. Upon the vigor and impartiality of his activities with regard to offenses against the election laws, the result of an election is often dependent.

For the manner of the exercise of his powers, the prosecuting officer is singularly free from accountability. Rarely is there pre-

sented to him a situation in which any particular course of action is made imperative; in which it can be established that, through any particular course of action, he has failed in the performance of his duty. He is bound by law to do nothing save to conduct the cases that are brought to his attention, to advise the grand jury as to the law, and to produce for their examination such witnesses as they may desire to hear. Though corruption be rife, vice flaunting, and crime flagrant and undetected, the prosecuting officer may find justification for quiescence in the claim that the duty of detecting and repressing crime is not his, that he has subject to him neither a constabulary nor a detective force with which to enforce the laws, that he is but a law officer retained by the commonwealth to present in court such criminal cases as are brought to his office, and that he has no duty to perform until legal proof of criminality shall have been presented to him. On the other hand, there is practically no limit to the initiative he may display if he be moved to make his powers rather than his duties the measure of his activity. The public purse is practically at his command; private detectives, accountants, experts of all descriptions are at his service; the books and papers of every municipal department are open to his inspection, and every official subject to his interrogatories. He exercises the broadest discretion in determining whether, when, and how he shall act. No criminality is so clear that he cannot grant immunity from conviction if he be so minded. On the other hand, no complaint can be so flimsy as to make it impossible for him to give it currency and lend it plausibility by an investigation. And though his activities result in oppression, or his passivity enable corruption to flourish, it is rarely possible to establish that he has exceeded the bounds of his discretion or failed to measure up to the obligations of his office.

A governor who would remove a prosecuting officer for misconduct must act arbitrarily or upon the basis of suspicions, unless the prosecutor shall have been extraordinarily stupid as well as extraordinarily corrupt.

Moreover, less than most public officers, is his conduct subject to be influenced by enlightened public criticism. His is peculiarly an office as to which the public judgment is likely to be led astray, for the public has no adequate means of judging either of the honesty or of the efficiency of its prosecutor. In almost every instance the essentials to an intelligent judgment of his conduct, are a minute



knowledge of the facts and a thorough familiarity with the law; and the public, of necessity, bases its judgment upon a partial disclosure of the facts and an almost total ignorance of the law. It is prone to mistake rumor for proof, to confuse moral obliquity with criminality, and to imagine that a conviction for larceny should follow whenever its favorite newspaper prints the word "steal" in its headlines. It thirsts for sensations, and is fain to drink the blood of sacrificial offerings with its morning coffee. Its newspapers thrive by feeding to it the pabulum it craves, and the prosecutor who furnishes the sensations wins both the newspapers and the public. A refusal to yield to public clamor, often the highest proof of the highest integrity, is not infrequently construed to be evidence of dishonesty; and the yielding to clamor, often the highest proof of weakness and dishonesty, generally creates a reputation for unimpeachable integrity.

Moreover, the public judges, of necessity, by results or by so much of them as it can understand. To it the conviction of a person accused is an evidence of integrity and efficiency; a failure to convict is a miscarriage of justice, for which it holds or fails to hold the prosecutor responsible according to the degree of favor he has found in its eyes. It can know nothing of methods or their propriety. Whatever conduces to a conviction is likely to seem right in its eyes. The reversal of the conviction by an appellate court, for improprieties however grave, it is apt to attribute to the mysterious technicalities of the law and to urge as an argument for the recall of the judiciary. It can rarely be made to realize that the prosecutor's duty is not to win cases, but to further the ends of justice under the law; that he violates his duty and is false to his oath quite as flagrantly when he prosecutes a person whom he believes to be innocent of crime, even though that person be censurable in the forum of morals, as when he fails to prosecute a person whom he believes to be guilty and against whom he has sufficient evidence; that a successful prosecution may be a disgraceful prosecution.

In this there lies public danger; for from this it results that in few places is the road to popularity so easy, and that in few places is it so often at variance with the honest performance of public duty. The assurance of promotion, and the music of popular applause wait to enchant the ears of him who will but sound the keynote to which the public is ever ready to attune its chants, by attacks upon those whom it lusts to destroy; and the applause may be swelled

to deafening volume if by judicious subservience the prosecutor can conjure the newspapers to become the conductors of the choir; while political oblivion and unmeasured condemnation are but too apt to be the lot of the prosecutor of unyielding integrity, who holds it his duty to see that justice is meted out evenly to the popular and the unpopular alike. To the self-seeker, it is an office overflowing with opportunities for aggrandizement; to the honest man it is a thorny path of public usefulness, which he must walk well armed against the lure of applause and strong to endure misconstruction and abuse.

It is an office of exasperating limitations. For the detective services which are essential to his effectiveness, the prosecutor must rely, in the main, upon the police department,—which is itself only too often so corrupt and inefficient as to become an obstacle and an object of attack, rather than an ally in his campaign against crime. His most earnest efforts are subject at any time to be nullified by the stupidity or corruption of a single judicial officer. On every side he meets with senseless barriers to the effective performance of his functions, in the obsolete provisions of statutes and constitutions which convert the courts of law into an arena for the display of mental gymnastics and deny to them the realization of their true dignity as laboratories for the discovery of the truth.

Of the existence of these provisions, the layman as a rule is but vaguely cognizant; of their effect he is, as a rule, totally ignorant. To a just appreciation of the potentialities of the prosecuting office, a knowledge of these rules and a realization of their implications, are essential. Only through this knowledge and appreciation can the prevalence and comparative impunity of crime be reconciled with the apparent breadth of the prosecuting officer's powers. To a presentation of these limitations and of their results, the remainder of this paper has been devoted. The presentation has been cast into the form of concrete illustrations, because it has been thought that only through illustration, if at all, could so technical a topic be vivified.

Briefly summarized, the evils sought to be pointed out are those arising from the denial to the prosecutor of the right to appeal from the rulings of a trial judge made in the course of a criminal trial; those arising from the absurd extensions or illogical construction of the constitutional provision against self-incrimination; those arising from the illogical requirements of corroboration, in certain classes of



cases; and those arising from the constitutional restraints which make it impossible for a prosecutor to secure the evidence of witnesses who reside or betake themselves beyond the borders of the state in which the crime is prosecuted. The illustrations are pieced together from actual happenings; typical of what constantly occurs in a prosecutor's experience.

## I

The legislative investigating committee had crowned its labors by tracing the bribe that had prevented legislation at the previous session to Van Burner, the president of the construction company. To fix the responsibility had been no very difficult matter, after they had induced Jefferson, the legislative agent of the company, to tell the truth. For Van Burner had grown so accustomed to bribery that he had treated the matter as an ordinary business transaction. He had given Jefferson the ten thousand dollar check wherewith to acquire funds for that purpose in the presence of the first vice-president, the treasurer and the auditor of the company, whose signatures and counter-signatures to the check were necessary, since he did not sign it himself. Indeed he had discussed the whole campaign of bribery with Jefferson, in their presence, while the treasurer was writing the check. The first vice-president, the treasurer and the auditor had all corroborated Jefferson in the testimony given before the committee. The transaction had revolted them, each had refused at first to sign the check or to have anything to do with the matter. But Van Burner, as everybody knew, was a masterful person to whom all the other officials in the company, whatever their titles, were little better than clerks, and he had laughed down their scruples, had borne down their opposition, and they had done his bidding. Shortly thereafter they had held a conference and had determined to resign from the company in a body so that they might feel free to inform the authorities and had gone to Van Burner to tell him of their determination. Van Burner had looked them over coolly, had called their attention to the fact that it was their names and not his that appeared on the check, that there was nothing but their word to connect him with the transaction and had advised them quite dispassionately to keep their tongues under control. They were glad to seize this opportunity to unburden themselves of the weight that lay on their consciences. They would testify before the grand jury or anywhere else.



The chairman of the legislative committee had come to confer with the prosecuting officer to whom he had previously sent the stenographic minutes of the evidence. "Is that all the evidence you have?" the prosecuting officer had asked him. "All we have!" the chairman of the committee exclaimed, "isn't it enough? Three reputable witnesses in addition to Jefferson all telling the same story, none of them shaken in the least by cross-examination and all testifying in a way that carried conviction to everyone in the room? Why no jury could doubt the word of any one of them. If that isn't enough I'd like to know how you ever expect to convict anyone of anything!"

"If you were familiar with the criminal law of this state," the prosecutor replied, "you would know that it forbids a conviction on the testimony of an accomplice, unless he is corroborated by other evidence tending to connect the accused with the crime.<sup>1</sup> Every one of these men is an accomplice in that bribery. Jefferson did the work in the open and the other three helped to provide the money for the purpose." "Pshaw," said the chairman of the committee, "I've read the statute. It says 'an accomplice,' it means what it says, 'one' accomplice. It does not mean that you can't convict on the testimony of four witnesses who tell consistent corroborating stories, which the jury believes, just because each of the four has taken some minor part in the commission of the offense." "Doesn't it?" said the prosecutor, "Go read the decisions as well as the statute and you'll find your error. The case would be thrown out of court if I had a hundred such witnesses."

This illustration may serve to throw some light upon the comparative immunity of that goal of the prosecutor's ambition, "the man higher up."

## II

A committee of Johnson's creditors had called upon the prosecuting officer of New York county to demand Johnson's immediate prosecution for the wholesale fraud he had perpetrated. Five months ago Johnson had sent them written statements in which he had asserted that he was worth five hundred thousand dollars over and above his liabilities. On the basis of this statement he had obtained from them or from those whom they represented many thousands of

<sup>1</sup> This is the law in New York and in at least twelve or thirteen other states.

dollars in money and merchandise. A week ago Johnson's place of business had been closed by the sheriff on an execution based upon a judgment for a few thousand dollars. The sheriff had found nothing to levy upon. All Johnson's money had been drawn out of the banks, and the creditors could find nothing. They had called on Johnson at his home, and had been told by his butler that he did not care to see them. It was a clear case, and they had come to the public prosecutor for redress. They realized that the crux of the case lay in proving that Johnson's statement was false, and they had procured their attorney to furnish a brief of the evidence whereby they expected to prove that fact. The brief set out the following items:—

First. Williams, Johnson's confidential cashier, had confessed to its falsity. He had prepared the statement under Johnson's orders, and mailed it to the creditors. He had kept the books of account, and knew that, though the statement asserted a surplus of half a million dollars, Johnson was, as a matter of fact, hopelessly insolvent. More specifically, Williams had pointed out the falsity of the following definite items in the statement: (a) Merchandise in various stores throughout the United States; this had been overstated by several hundred thousand dollars; (b) Cash on deposit with Blank Brothers in Jersey City, stated at \$100,000, whereas it was in fact less than \$1,000; (c) Accounts due to Johnson—\$300,000, whereas, in fact, as the books disclosed, they amounted to less than \$50,000.

Second. He, the attorney for the creditors, had taken the following steps to verify Williams' statements: He had called upon Mr. Jones, Johnson's attorney, and had demanded an inspection of the books. This had been refused. Blank Brothers, the bankers, were friendly to Johnson and had also refused information, but he had caused a commission to issue in a civil action which he had instituted and had examined the members of the firm who were cognizant of the facts, and they had testified that Johnson's deposit had been less than \$1,000.

Third. He had sent around to the managers of Johnson's stores located in a half dozen different states; had got from them estimates of the value of the merchandise in their stores; had totaled the amount and had found that it aggregated several hundred thousand dollars less than Johnson had claimed.

Fourth. Williams had given him a list of the persons who had been indebted to Johnson; he had secured statements of their accounts



from them. It had taken some time because there were several hundred of them, and they were located in all the states in the Union. He had aggregated these amounts and they totaled less than \$50,000, as compared with the \$300,000 that Johnson had claimed.

The case was, therefore, clear in every particular. He ought to apprise the prosecutor, however, that Williams would prove an unwilling witness. He had been ready to do everything in his power to assist the creditors in a civil action, but he had asserted that under no conditions would he help prosecute his ex-employer to whom he was indebted for many kindnesses. But the prosecutor, could, of course, subpoena him before the grand jury, and compel him to testify whenever he wanted him. His address was — Main Street, Hoboken, N. J., and he was now employed in that city.

To this communication the prosecutor replies:

MY DEAR SIR:

Upon the facts stated in your brief, I am, I fear, powerless. The criminality seems clear, but I cannot get the evidence before the grand jury or the courts. Williams is in Hoboken, I cannot compel him to come here under subpoena. I cannot take his testimony under commission for use before the grand jury, because such a process would be unconstitutional. Even if I should be able to catch him some time in New York and get him before the grand jury, I could not, as you suppose, compel him to testify. Upon his own statement that he sent out the false statement, knowing that it was false, it is clear that he is technically an accomplice in Johnson's crimes, and that therefore he can refuse to testify on the ground that his testimony would tend to incriminate him. His testimony is the crux of the case; without him I cannot prove that your list of Johnson's stores, or of the persons indebted to him, is complete; and therefore I have no means of proving that Johnson's statement as to the amount of the merchandise or the amounts due him is incorrect. You know, of course, I have no means of compelling the production of Johnson's books, or of securing an examination of them, since the courts have decided that to compel him to submit his books for examination would be compelling him to be a witness against himself. It sounds absurd; but it is the law. I can proceed only if you can persuade Williams to testify. Even then I shall have difficulty. You may tell him that I will undertake not to prosecute him for his complicity in the crimes, if he comes forward voluntarily and testifies to the truth. You are at liberty to suggest to him that his confession to you proves him to be an accomplice in the crime and that it would be well for him to come forward before he is indicted. You will understand, however, that I cannot make good on the "bluff" if it should fail. For, as you know, I cannot indict on a confession alone without proof from other sources that the crime has been committed; and the same difficulties that stand in the way of indicting Johnson will prevent an indictment of Williams.



A few days later the prosecutor receives word that Williams is obdurate, but that a clerk has been found who will furnish the necessary proof as to the number and location of Johnson's stores and as to the list of his debtors; but who knows nothing of the amounts of the merchandise in those stores or the sums due from the debtors.

Again the prosecutor writes to the attorney for the creditors:

This represents progress, but our difficulties have just begun. If you could persuade Blank Brothers or one of their employees who knows the facts to testify to the condition of the bank account, that would answer the purpose. But I understand they have refused. Of course, their testimony in your civil case is of no use here. We shall, therefore, be unable to establish the falsity of this item. To make a case, you will have to get either all the debtors on the list to come on to New York to testify to the amounts of their respective indebtedness, or all the managers of the stores to come on here to testify to the value of the merchandise in the stores. I assume that the former will prove impossible since I will have to keep them here at least two weeks or require them to make two trips,—one to testify before the grand jury, a second to testify in court. To get all these managers will be expensive, but possibly you can arrange to do it. I am thoroughly at your service if you can.

A few weeks later the attorney writes: "I can secure the evidence you require from the branch managers. It will be expensive, as you say, but the creditors have decided that something must be done to stop these practices, and have determined to make an example of Johnson."

As a result the indictment is found, and Johnson is put on trial. Witnesses have been examined for a week, when suddenly it is discovered that one of the managers entered Johnson's employ two months after the statement had been made and is not competent to testify as to the merchandise on hand at that particular time. All the trouble and expense are likely to be in vain. The district attorney is on the point of abandoning the case, but the counsel for the creditors begs him to keep at it for another day to afford him a chance to supply the proof. Next morning the chairman of the creditor's committee appears before the prosecutor, followed by a half dozen porters carrying books of account. He is grinning defiantly. "Say," he says, "I've been reading some of this rubbish you call criminal law myself, and last night I made up my mind that the situation was desperate and I'd have to take a hand in the game myself. So I hired some detectives to break into Johnson's house and steal the books. You get those books in evidence the first thing this morning, and put an end to this farce."

"Do you know that you are guilty of burglary?" asked the prosecutor. "Do you think any grand jury will indict me for it?" rejoins the merchant.

The trial proceeds; the books are offered in evidence. Mr. Jones, counsel for the defendant, objects to their reception. He rages at the violation of Johnson's home. He declaims passionately at the invasion of constitutional rights. To admit the evidence, he asserts, is to countenance the practice of unreasonable search and seizure,—one of the most potent instruments of tyranny; to give the sanction of the law to such procedure is to strike at the cornerstone of liberty, and to convert the court into an accomplice of criminals. The prosecutor quotes a familiar decision of the Supreme Court of the United States. The evidence is admitted; and the jury that has known all along that Johnson was guilty, known it if from nothing else because he hadn't produced his books of account, stays in the jury room long enough to smoke a cigar and tell a few jokes just to give the appearance of decent deliberation in a case that has taken so long to try and brings in a verdict of guilty. The law has been vindicated, but only through an infraction of the law.

The illustration serves to point out some of the most striking absurdities of criminal practice; first, the irrationality of a limitation which denies the prosecutor all process for securing evidence from witnesses who chance to reside or choose to remain beyond the bounds of the state, and renders him powerless when those witnesses are essential to a prosecution; second, the inconsistency of the concept, that while a subject may be required to sacrifice his life for the defense of his country or even in pursuance of a policy of foreign aggression, he may not be compelled to assist in the campaign against the internal enemy, the criminal, by giving testimony in the courts, if thereby he shall expose himself to the slightest risk of prosecution for a criminal offense; third, the paralyzing effect of the illogical extension of the privilege against self-incrimination so as to include within its scope the production of documents; fourth, the farcical and anarchical condition of a system of procedure which, while denying orderly legal process for the extraction of incriminating documents from the possession of an accused or of any other person, yet permits a conviction by means of such documents when secured by fraud or violence.



## III

The prosecuting officer is seated in his office. An old friend is striding up and down the room in agony of spirit. He has come for aid. He has just told a pitiful tale. A few days before, his seventeen-year-old daughter had been induced, by some plausible tale of urgent need, to enter a house. She had been lured to an apartment where she had been drugged and defiled. For several days she had been delirious. When she came out of her delirium, she found herself in a hospital where she had been left under a false name by a woman who had given a fictitious name and address. There he had found her after several days of despairing search. As soon as she was strong enough, he had asked her to lead him to the place of her defilement. She had found the place without hesitation; she had pointed out her defiler on the street near the house. The father's first instinct had been to kill. His better judgment had prevailed. He had summoned an officer and demanded the man's arrest. The man had laughed in his face; denied the charge; told him he must be a lunatic. The police officer had refused to arrest, and instructed him that he must get a warrant. He had come to his old friend to ask him as prosecuting officer to move at once. He wanted no favors. He hoped that his daughter would be protected as far as possible against unnecessary humiliation when she was called to testify, and that the full penalty of the law would be imposed.

The prosecutor turns to him and asks questions:—"Was there anyone with your daughter when she was lured into the house? Is there anyone who can corroborate her story?" The answer, in the negative, is given in a tone in which impatience and a sense of outrage struggle for dominance,—“Is his daughter's word to be doubted? Is this suggested need of corroboration an insult; or is it the hyper-caution of the lawyer grown cold to human sufferings and incapable of indignation? Why is there any delay of activity?"

The prosecutor answers: "Without corroboration, I can do nothing. It is not a question of believing your daughter. Neither I, nor the grand jury, nor the petit jury would doubt her word. Of course, such stories are sometimes concocted for blackmailing purposes, but it is the jury's business in all cases to distinguish between stories that are concocted and those that bear the stamp of truth, and they do it. On your daughter's unsupported word I could convict a legion of murder; but for this crime her testimony does not



suffice. It is the law.<sup>2</sup> We are not permitted to act without corroboration. Without it no magistrate would issue a warrant. The grand jury would probably indict if I would let them; but the case would inevitably be dismissed by the trial court, and your little daughter would suffer her public humiliation in vain. I'll do what I can. I'll put a detective agency on the case (in such cases the police are not to be trusted). Perhaps they may find some inmate of the brothel, or some pimp or prostitute whose evidence will suffice. If so, I'll prosecute."

A year has elapsed. The case is on trial. Unremitting efforts by a skilful detective agency had resulted in unearthing one of the confederates in the crime, who had testified before the grand jury upon a promise of immunity. The defiler had been indicted; had been "tipped off" to the indictment, and gone to another city where he had remained in hiding; when the detectives had gotten on his track he had escaped to another place. After months of diligent and relentless search, involving the expenditure of thousands of dollars, he had finally been run to earth in a city at the other end of the continent. There he had been admitted to bail pending extradition proceedings, and while out on bail had tried once more to escape. This time the detectives had anticipated him; he had been held without bail during the extradition proceedings, which he had fought through all the courts. Defeated in the fight he had been brought back to face the trial. During all these months the corroborating witness had been supported and guarded by the prosecutor,—supported, because he had no honest means of earning a livelihood; guarded, because he had been alternately bombarded with threats and solicited with bribes to induce him to retract his story. For once, however, the organized criminals were to be beaten. The prosecutor's testimony was all in; the little girl had stood the ordeal of her examination by the prosecutor, and of an insinuating cross-examination by the oleagenous counsel for the prisoner. The testimony of the corroborating witness had remained unshaken, though his character had been shown to be such as to render it valueless. In fact, the jury had neither heeded it nor desired it. One had but to watch their faces while the girl was testifying to know that they were impatient for the moment which

<sup>2</sup> This is not the law in all jurisdictions, but it is the law in New York and in some other states.

would enable them to render their verdict of guilty, to know that they would gladly have sent the prisoner to the electric chair if that had been within their power. The defendant's case had been concluded and the prosecutor was questioning a witness called in rebuttal upon some minor matter. He had asked a question which the judge had excluded. Thinking that the form and not the substance of the question had been the cause of the ruling, the prosecutor had repeated it in a modified form. Then out of a clear sky came the destructive bolt: "Didn't I tell you not to ask that question?" bellows the judge; "I'll teach you to disobey me; I'll teach you respect for the court; that's what I'll do. The defendant is acquitted. Do you hear, the defendant is acquitted. Gentlemen of the jury, I direct you to acquit the defendant."

In a daze the jury records its verdict. The case is over; and the prisoner walks out of the court room a free man, marveling at the mysteries of the law, or rejoicing in the possession of friends powerful enough to bring about such desirable results.

"But, of course," the layman responds, "this ruling will be upset on appeal, and justice, though delayed, will ultimately be done." Therein lies the purpose of this illustration. The state has no appeal from a judgment of acquittal rendered after any evidence has been submitted to a jury. An illogical interpretation of a constitutional provision forbids that it should have an appeal, and daily in the courts the ends of justice are subject to be defeated through the weakness, ignorance, or wilfulness, as well as through the inevitable mistakes of judges presiding over criminal trials.

Now for the moral. We have erected an office with great potentialities for public service, we have surrounded it with temptations and left it practically unhampered as an agency for oppression and have hedged it about with limitations which prevent it from realizing more than an insignificant measure of its potentialities for good.

That these limitations should be removed would seem to be so obvious as to make it astonishing that they have so long persisted, or that any thinking man would oppose their abolition. Yet doubtless any move to that end will still meet with opposition from sources that command respect. Twenty years ago it would have been almost universally denounced as an attempt to subvert the foundations of

government. The opponents of such reforms insist that the restrictions sought to be abolished are those which the experience of centuries have established to be essential to the preservation of liberty and to the protection of the individual against oppressive use of the prosecutor's powers. The answer is that these provisions, however useful or necessary under conditions in which an accused could be denied the right of counsel, could be bullied and terrorized by a trial judge, forbidden to testify in his own behalf and had no adequate means of securing testimony of others, have under modern conditions, become obsolete and mischievous; that they offer no effective safeguard against the abuse of discretion and the oppressive use of power by the prosecutor, since his power of oppression is confined, in the main, to that which he can do behind the closed doors of the grand jury room, where rights, however perfect, are difficult of enforcement and where reputations can be ruined by the procurement of unwarranted indictments or by the circulation of false rumors as to the evidence offered to the grand jury; that from anything that can be done in the open the innocent have little to fear and need no protection save the opportunity to bring the truth to the light before an impartial tribunal; that these restrictions, by preventing the truth from being brought to light and from prevailing, serve to foster criminality and to encourage the criminal classes; that the removal of the restrictions, by arming the prosecuting officer with the powers essential to the discovery of the truth, will go far toward raising the standard of municipal government, toward inculcating a general spirit of respect for the law and toward rendering less unequal the warfare which society is constantly compelled to wage against its internal enemies.



## BOSTON'S COUNTY PROBLEMS<sup>1</sup>

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While Boston is not a "county-ridden" city as are so many American cities, and while she is free from even a large portion of the more serious county problems<sup>2</sup> confronting other Massachusetts municipalities, still problems of considerable importance arising from Boston's relation to Suffolk county insistently demand solution in the interests of efficient government. Massachusetts has been a leader in municipal reform, yet the reforms which have been considered fundamental for city government have never been extended to Boston's administration of county affairs.

Boston's county functions fall into two classes: judicial and administrative.<sup>3</sup> The exercise of judicial functions in Suffolk county is vested in a number of tribunals classified as courts of superior and courts of inferior jurisdiction. Of the former there are four:<sup>4</sup> first, the supreme judicial court, a single judge of which holds jury terms in Boston for Suffolk county, and the full bench of which comprises the court of last resort in the state;<sup>5</sup> second, the superior

<sup>1</sup> A portion of the material in this article appeared in a paper, "The City and County in Massachusetts," read by the writer before the American Political Science Association, 1911. See the *Proceedings* of the American Political Science Association, 1911, in Supplement to the *American Political Science Review*. VI, No. 1, pp. 61-72.

For a number of the facts in this article I am indebted to prominent business and professional men in Boston whose names for obvious reasons I am not permitted to use in citing authorities.

<sup>2</sup> Those relating to the office of county commissioners. Prior to the charter of 1909, the aldermen of Boston exercised the more important administrative functions—i. e., those relating to county finances—which are vested in county commissioners in counties other than Suffolk. By the Boston charter of 1909, these functions were vested in the city council and mayor. *Mass. Acts*, chap. 486, sec. 3.

From an early date Boston alone of the cities of Massachusetts has borne the burden and enjoyed the advantages of exercising practically all the county functions. *Mass. Acts*, 1821, chaps. 109-110.

<sup>3</sup> Judicial functions are the more important in Massachusetts counties since the city and town are the more prominent local administrative units.

<sup>4</sup> In addition there are the eleven masters in chancery, having jurisdiction over Suffolk county. They are appointed by the governor and council, paid by fees only, and have authority to issue certificates authorizing arrest on mesne process.

<sup>5</sup> The full bench of the supreme judicial court sits in seven places throughout the Senate.

court, the great trial court of the state, both civil and criminal terms of which are held by one or more justices sitting in Boston; third, the court of probate and insolvency, the judges of which are appointed especially for, and have jurisdiction only within, the county; and fourth, the land court which sits regularly in Boston but has state-wide jurisdiction. The judges of the several courts,<sup>6</sup> the reporter of decisions of the supreme judicial court and the recorder of the land court are appointed by the governor and council of the state. The clerk of the supreme court for Suffolk county, the clerks of the superior court for civil and criminal business, and the register of probate are elected by the voters of Suffolk county. The remaining court officers and employees are appointed by the judges of the several courts or by the sheriff.

The exceptionally high standard set by the Massachusetts judiciary is generally recognized. Her courts have stood well the tests of actual experience. Nevertheless there remain certain problems connected with the administration of justice by the courts of superior jurisdiction in Suffolk county which demand careful consideration. This fact is recognized by no one more than by the members of the bar and bench of Boston. These problems are of two kinds: first, those relating to the "delays" which hinder "speedy and effective" rendering of justice; and second, those relating to the unequal burden imposed upon the city of Boston for the maintenance of the administration of justice.

Delays in the administration of justice are more serious in Suffolk county than in the other counties of Massachusetts on account of the centralization of legal business in Boston. Being the business center of the state, Boston furnishes the most convenient place for trying cases,<sup>7</sup> the more prominent attorneys have their offices there, and many litigants have their places of business in Boston while living elsewhere in the state. Probably another important factor in causing delays is the accumulation of legal business in a few hands.<sup>8</sup> Another cause of unnecessary delay is the duplication

<sup>6</sup> All judges and justices of courts in Massachusetts are appointed by the governor with the advice and consent of the council; hold office during good behavior, and are removable by the governor on the address of both houses of the legislature. For the judges and justices of the several courts see diagram, opposite p. 136.

<sup>7</sup> *Boston Finance Commission Reports*, I (1908), p. 400.

<sup>8</sup> For example, upon a certain trial list for Suffolk county, 1,637 cases were represented by only twenty attorneys or firms. *Report of the Commission to Investigate the Causes of Delay in the Administration of Justice in Civil Action* (1910), p. 10.



of trials resulting from the privilege of a retrial before a jury in the superior court of cases first tried in an inferior court.<sup>9</sup> The centralization of legal business in the hands of comparatively few firms in Boston, and the ease with which cases from inferior courts may be tried *de novo* in the superior court, inevitably result in the overcrowding of the dockets of the court sitting in Suffolk county.

Advocates of judicial reform in Massachusetts would not remove the evils by means of a radical alteration of the present judicial system, but through certain readjustments among the courts consistent with Massachusetts' traditional conservatism. As regards the supreme court, they would relieve it of jury trials, limit it more closely to "the general appellate jurisdiction"<sup>10</sup> and confine the sittings of its full bench to Boston.<sup>11</sup>

Among the changes recommended for relieving the congestion in the superior court it is proposed to transfer the trials of divorce cases to the probate court, and to abolish the double trial system.<sup>12</sup>

The congestion of business in the land court, it is claimed, is being materially relieved by the recent legislation,<sup>13</sup> which prevents a double trial on questions of fact by providing that when a jury trial is claimed the case shall be removed to the superior court at once instead of awaiting an appeal after the case has been completed in the land court. It also provides for the transfer of actions from one court to the other, when it is found the action has been begun in the wrong court, without invalidating the prior proceedings.

A grievance more generally recognized, however, is that Boston is bearing an unjust proportion of the cost of litigation in the state.<sup>14</sup> Boston being the metropolis has to bear the cost of much litigation which, it is claimed, should be conducted in counties other than Suffolk. For the same reason Boston has to pay large sums for the administration of criminal law, owing to the offenses committed there by persons residing outside the county. The city of Boston (for Suffolk county) pays the salaries of practically all the court officers, except the judges,<sup>15</sup> of the courts of superior jurisdiction;

<sup>9</sup> See below, pages 139-40.

<sup>10</sup> *Report of the Commission to Investigate the Causes of Delay in Civil Action* (1910), p. 14.

<sup>11</sup> *Ibid.*, p. 15.

<sup>12</sup> See below, pages 139-40.

<sup>13</sup> *Mass. Acts*, 1910, chap. 560; 1911, chap. 433.

<sup>14</sup> *Boston Finance Commission Reports*, I (1908), p. 400; VII (1912), p. 290.

<sup>15</sup> The judges are paid by the state.



# COURTS HAVING JURISDICTION IN SUFFOLK COUNTY

## SUPREME JUDICIAL COURT

1. Chief Justice.
2. Justices (six).
3. Clerk for the Commonwealth.
4. Assistant Clerk for the Commonwealth.
5. Clerk for Suffolk County.
6. Assistant Clerk for Suffolk County.
7. Reporter.
8. Messenger.

## COURTS OF SUPERIOR JURISDICTION

### COURT OF PROBATE AND INSOLVENCY

1. Judges (two).
2. Register.
3. Assistant Registers (two).
4. Clerk.

### SUPERIOR COURT

1. Chief Justice.
2. Justices (twenty-eight).
3. Assistant Clerks in Equity.
4. Stenographers (ten).
5. Messenger.
6. Criminal Business.
1. Clerk.
2. Assistant Clerks.
3. Stenographer.

### LAND COURT

1. Judge.
2. Associate Judge.
3. Recorder.

## MASTERS IN CHANCERY\*

1. Eleven for Suffolk County.

## BOSTON JUVENILE COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

## CHELSEA POLICE COURT†

1. Justice.
2. Special Justices (two).
3. Clerk.

## COURTS OF INFERIOR JURISDICTION†

### EAST BOSTON DISTRICT COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

### MUNICIPAL COURT OF THE CITY OF BOSTON

1. Chief Justice.
2. Associate Justices (eight).
3. Special Justices (two).
1. Clerk.
2. Assistant Clerks in Criminal Business.
1. Clerk.
2. Assistant Clerks in Appellate Division.
1. Justices (three).

### BRIGHTON DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

## CHARLESTOWN DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

## DORCHESTER DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

## ROXBURY DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.
4. Assistant Clerk.

## WEST ROXBURY DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

## SOUTH BOSTON DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.
4. Assistant Clerk.

\* Not strictly speaking a court of superior jurisdiction. See page 134, note 4. † For the territorial jurisdiction of the several courts see page 138. ‡ The different terms, police, district and municipal courts are applied to tribunals of similar jurisdiction for historical rather than functional reasons.

and defrays the cost of the accommodations<sup>16</sup> for the courts incurred while administering justice for the state at large as well as for the county.<sup>17</sup> For the purpose of granting Boston the desired relief a bill was introduced,<sup>18</sup> in 1912, into the legislature providing that the state should pay annually to Suffolk county an amount equaling one-third of the expenses incurred by the city for the maintenance of the supreme judicial court, the superior court for Suffolk county, and the land court, and one-third of the cost to the city of heating, lighting and care of the Suffolk county court house.<sup>19</sup> The bill failed to pass. However, a step towards recognizing the justice of Boston's contention in this matter had been previously taken by the enactment of a provision requiring the state to bear one-third of the expenses incurred for enlarging the Suffolk county court house.<sup>20</sup>

An alternative proposal for removing the injustice is that the state shall bear all the expenses of the above-named courts throughout the state.<sup>21</sup> This seems a fairer and more equitable division of the burden of judicial administration. These courts are in reality state courts, the laws enforced by them are state laws; hence why should not the total cost be borne by the state and equitably distributed among the people of the entire state through taxation?

The tribunals of inferior jurisdiction in Suffolk county consist of nine co-ordinate municipal, district and police courts,<sup>22</sup> and the juvenile court of Boston. The municipal district and police courts "have original criminal jurisdiction exclusive within their several districts of all misdemeanors, except conspiracies and libels, and of all

<sup>16</sup> Providing quarters, heating and lighting, janitor service, stenographic work, postage, printing, etc.

<sup>17</sup> In 1911-12 Boston expended for the supreme judicial court \$37,932.04; for the superior court for civil business \$338,821.35; for criminal business \$178,998.95; for the land court \$4,105.86. The above amounts do not include the expense of providing accommodations in Suffolk county court house. Maintenance of the court house cost, for the year 1911-12, \$78,133.87. *Auditor of the City of Boston Report*, 1911-12, pp. 186-195.

<sup>18</sup> On the recommendation of the Boston Finance Commission.

<sup>19</sup> *Boston Finance Commission Reports*, VII (1912), p. 37.

<sup>20</sup> *Mass. Acts*, 1906, chap. 534; 1908, chaps. 215, 603; 1910, chap. 522.

<sup>21</sup> *Boston Finance Commission Reports*, VII (1912), p. 290.

<sup>22</sup> They are: municipal court of the city of Boston, whose judicial district embraces wards 6 to 12, and 16 to 18; municipal court of the Brighton district, ward 25; municipal court of the Charlestown district, wards 3 to 5; municipal court of the Dorchester district, ward 24; municipal court of the Roxbury district, wards 19 to 22; municipal court of the South Boston district, wards 13-15; municipal court of the West Roxbury district, ward 23; East Boston district court, wards 1 and 2, and the town of Winthrop; Chelsea police court, Chelsea, and Revere. See diagram opposite page 136.

felonies which are punishable by imprisonment in the state prison for not more than five years."<sup>23</sup> In addition all the courts, except the municipal court of the city of Boston, have jurisdiction in juvenile cases. Furthermore they have "civil jurisdiction of cases in the municipal court of the city of Boston, not over \$2,000" and in the other courts, not over \$1,000. The municipal court of the city of Boston, in addition to the criminal and civil jurisdiction within its own district, has civil jurisdiction throughout the county.<sup>24</sup> The Boston juvenile court has jurisdiction only within the district covered by the municipal court of Boston.

From the above it is evident that Suffolk county still retains its old system of "segregated courts," still permits to exist ten autonomous, decentralized, wholly independent courts each with its complete and fully equipped organization, with local justices lacking the essential "points of contact" with the other justices of the county, and without any central supervision whatever. Such a system may possibly have had a *raison d'être* when the courts were severally established almost half a century ago, when local sentiment was still dominant and present-day facilities for transportation and communication were lacking. But to-day, in a closely compact urban center with civic, social and economic unity there is no longer any justification of such an antiquated system.

In the light of the experience of other large cities it is difficult to understand how such a system in Boston works as well as it does. That the system has not produced unbearable conditions testifies to the high character of the judges of these courts.

There are, however, three evils due to the system, which are receiving the careful attention of Boston's public spirited men.<sup>25</sup> The first is the lack of uniformity in judicial decisions. This results in "a radical and multiform variation and antagonism of practice in matters essential to the enforcement of law."<sup>26</sup> For example: the length of probation terms varies among the several courts from three months to two years; again, an offender punished in one court by a small fine may in another court for a similar offense be given a

<sup>23</sup> *Report of the Commission on Inferior Courts of the County of Suffolk* (1912), p. 6.

<sup>24</sup> Ninety-two per cent of the civil cases in the county are brought to this court. *Ibid.*, p. 9.

<sup>25</sup> *Report of Commission on Inferior Courts of the County of Suffolk* (1912).

<sup>26</sup> *Ibid.*, p. 7.



long jail sentence.<sup>27</sup> Likewise, in civil business the courts are working under several different sets of rules,—certainly a complicated system which greatly inconveniences both the bar and litigants.<sup>28</sup>

The second evil is the uneconomic administration of the business of the courts. Official salaries furnish the largest item of expense.<sup>29</sup> Such salaries are based upon the population of the several judicial districts rather than upon the work done by the several courts.<sup>30</sup> The result is that judicial administration in certain districts costs, for official salaries, from two-fifths to one-half more than in other districts. Furthermore there is an unnecessary waste resulting from the decentralized buying of supplies in small quantities for the clerical departments, from the traveling expenses of probation officers, and from the duplication of prison vans, etc.<sup>31</sup>

The third evil is the duplication of civil trials resulting from the present method of *de novo* retrial of facts in cases appealed from the inferior courts to the superior courts. The situation is clearly stated by the commission which investigated (1909) the causes of delay in civil actions.<sup>32</sup> "The losing party in the lower court by merely giving a bond for costs may enter an appeal, the result of which is that the trial in the lower court goes for absolutely nothing,—tends to make the trial in the lower court little more than a preliminary skirmish which simply takes up the time of a tribunal amply qualified to make final determination of the rights of the parties and results in an expense and delay inconsistent with the economy of a modern judicial system." Moreover, the defendant, it is claimed, at times takes unfair advantage of the plaintiff by making a frivolous defense, permits an adverse decision in the inferior court, then demands a jury trial in the superior court where in the retrial he has the advantage of an advance knowledge of the plaintiff's case. Leading members of the Boston bench express the opinion that the major portion of such appeals results not so much from the desire for a jury trial *per se*, but from the hope for a more favorable verdict, or for the

<sup>27</sup> *Report of Commission on Inferior Courts of the County of Suffolk* (1912), p. 8.

<sup>28</sup> *Ibid.*, p. 9.

<sup>29</sup> For example: during 1911-12 in the municipal court of the Charlestown district official salaries cost \$10,178.81 out of a total expense of \$11,680.72. *Auditor of the City of Boston Report*, 1911-12.

<sup>30</sup> *Report of the Commission on Inferior Courts, etc.* (1912), p. 10.

<sup>31</sup> *Ibid.*, p. 11.

<sup>32</sup> *Report of the Commission to Investigate Delay in the Administration of Justice in Civil Action* (1910) p. 21.

advantages gained by delay. Delay is not the only grievance arising from the duplication of civil trials. Much unnecessary expense results. It is estimated that civil trials in the Suffolk county lower courts in which the judgment is entirely vacated by appeal, costs the city annually \$15,000.<sup>33</sup>

The commission on inferior courts in Suffolk county, in its report to the legislature, 1912, recommended a plan for the eradication of the evils described above. It was proposed to remove the lack of uniformity in judicial decisions and the uneconomic and wasteful administration of business in the courts by the consolidation of the ten inferior courts in the county into a single court. Such court<sup>34</sup> was to have jurisdiction throughout the county. A juvenile division of the court having county-wide jurisdiction was recommended.

In the light of the favorable experiences of Chicago, Cleveland and other cities with such reformed courts, and in view of the earnest support of the leading members of the Boston bar and the "overwhelming sentiment of the community as expressed in the hearings" before the commission, in favor of the above changes, it is surprising that the Massachusetts legislature refused to authorize the reforms. The proposed consolidation of the courts was defeated, probably by the opposition of the judges who considered their positions in the light of "vested rights," supported by the traditionally conservative elements in the legislature, which dreaded disturbing the *status quo* for fear it would lead to further attacks upon "vested rights."

The legislature, however, was willing to make a beginning toward removing the "double trial" evil. An act was passed providing that if a party elected to bring "in the municipal court of the city of Boston any action or other civil proceeding which he might have begun in the superior court he shall be deemed to have waived a trial by jury and his right of appeal to the superior court."<sup>35</sup> It further provided for an appellate division of the municipal court of the city of Boston "for the rehearing of matters of law arising in civil causes." The appellate division was made to consist of three justices of the court designated by the chief justice. Another section

<sup>33</sup> *Report of the Commission on Inferior Courts* (1912), p. 13.

<sup>34</sup> It was "to consist of one chief justice, fifteen associate justices, ten special justices and one associate and two special justices for juvenile work." *Report of the Commission on Inferior Courts* (1912), p. 17.

<sup>35</sup> *Mass. Acts*, 1912, chap. 649, sec. 2.



provided that appeals from the appellate division may be taken directly to the supreme judicial court of the state. Since the municipal court of the city of Boston has jurisdiction in civil cases throughout the county and 92 per cent of such cases are tried in that court, the act goes far toward obviating the evil of duplication of trials in civil causes. Time has not yet sufficiently tested the change, but it is believed that if the reform works well in practice it will be extended to all the inferior courts in Suffolk county.

The public officials of the city of Boston perform a large portion of the administrative functions exercised, in counties other than Suffolk, by county officials. The important fiscal functions, elsewhere vested in the county commissioners, are, for Suffolk county, vested in the city council and mayor.<sup>36</sup> The treasurer<sup>37</sup> and the auditor of accounts of the city of Boston act as treasurer and auditor for Suffolk county. There remain, however, seven county offices, filled by popular election, and a number of appointive county positions filled by the governor of the state, by the judges of the courts or by the heads of county departments. Six of the seven elective county officers are made elective by a constitutional provision.<sup>38</sup> That provision stands as a monument to the effectiveness with which detailed constitutional provisions block the governmental reorganization demanded by present-day conditions.

From the early times to within recent years the county offices were held by the old New England families. These offices were, on the whole, honestly if not always efficiently administered. By virtue of high traditions and customs surrounding these offices a seemingly absurd system has worked fairly well. For example: tradition demanded that these elective offices should not be made the object of party spoils or subject to frequent rotation. Custom dictated that when once in office a man should not be removed so long as he honestly performed his duties. He was nominated by both parties and contributed to the campaign funds of both. The offices, however, have been so far removed from the people that the voters have taken little active interest in them.<sup>39</sup> Such complacency

<sup>36</sup> *Mass. Acts*, 1909, chap. 486, sec. 3. Prior to the charter of 1909 such functions were vested in the aldermen of the city of Boston. These functions embrace little more than the making of appropriations for the county expenses.

<sup>37</sup> *Revised Laws*, chap. 21, sec. 5.

<sup>38</sup> *Mass. Constitution, Amendments*, Art. 19. It provides that the legislature shall prescribe by general law for the election by the people of sheriff, registers of probate, clerks of the court, and district attorneys.

<sup>39</sup> This is equally true of county offices in the other counties of the state.



on the part of the public has permitted the "county ring"<sup>40</sup> to keep the offices under its undisturbed control. It is claimed that as a rule the sheriff of Suffolk county has been the head of the county ring and the patronage of the office, which is extensive, has been distributed solely on political considerations. Up to a few years ago the subordinate offices in the sheriff's department were divided equally between republicans and democrats. When it was a democrat's "turn" to be appointed, no republican, however superior in qualifications, could be selected. Under the present régime the offices, as a rule, go to the dominant party.

With the "racial displacement" which has been taking place in eastern Massachusetts in recent years the Irish-democrats have supplanted the old New England republicans in the county offices as well as at the "City Hall." Notwithstanding the transition from one race and party to another, the former traditions surrounding the offices have been, in the main, retained. The Irish have proved their practical capacity for government by readily assimilating the ideals of government prevailing in the community in which they live. In general their standards of government are neither higher nor lower than those of the Anglo-Americans whom they have displaced. It is generally conceded that the offices are now being as honestly administered as under the old régime, and in certain instances modern and efficient methods<sup>41</sup> have supplanted the antiquated methods to which some of the former officers had clung.

Notwithstanding the belief that the present system of elective officers works fairly well in spite of the possibilities for evil, there is certainly little practical reason for the election of county officials in Boston. Unquestionably the interest of efficient administration of court business demands the appointment, rather than the popular election, of the clerks of the courts.<sup>42</sup>

There is no fundamental reason why there should continue to

<sup>40</sup> "County rings" are strongly intrenched party organizations, the objects of which appear to be the perpetuation of their members in office and the distribution of appointive positions mainly for party or personal ends.

<sup>41</sup> A conspicuous example is the change made in the office of register of deeds by the present generally conceded efficient register, W. T. A. Fitzgerald.

<sup>42</sup> Recently popular elections lost for the city the efficient services of a clerk of the supreme court who brought to the execution of the duties of that office twenty-five years' experience and training as an assistant clerk in the municipal court, superior court, and supreme court, and as clerk of the supreme court. The officer who displaced him, although a lawyer of ability, had no special training for the position.

be a registry department for the county and a separate one for the city. Why could not these separate departments be consolidated into a registry department with a head appointed under civil service regulations, similar to that of the treasurer or the auditor of the city of Boston? Abundant evidence supports the contention that it would be a step toward more efficient administration and a higher professional standard to place the county departments under heads appointed under civil service rules. In such a case, however, experience and character should be given legitimate weight in establishing ratings among those eligible to appointment. Since the functions exercised by these departmental heads are administrative rather than policy-making, why should they be elected? To make these offices appointive would free the officers from the bondage of the political party to which they must look for re-election. It would further encourage men of first-rate ability to make special preparation for the positions, knowing that long tenure of service with an opportunity for advancement followed an appointment. The city could then avail itself of the services of experts instead of amateurs. Such a change would not only be in harmony with the "short ballot" principle, but, by eliminating a number of elective offices hitherto filled by party organizations, would also further aid the city of Boston in freeing herself from the influence, in city affairs, of permanent party organizations.

One of the striking anomalies in Massachusetts government is that the civil service laws which apply to city appointees<sup>43</sup> have never been extended to county appointees. The reason commonly assigned for this is that the "county rings" desired to preserve their patronage unembarrassed by civil service rules, and that they had sufficient influence in the legislature to prevent the passage of any civil service law unless the counties were omitted. It seems that the "county rings" in Massachusetts have great political influence which they have invariably exercised upon the members of the legislature whenever legislative authority has been invoked for the extension of civil service to the counties.

In practice the failure to apply civil service laws to county appointments has resulted in the exclusion of practically all qualified persons except the friends and acquaintances of the appointing officers. The quality of the appointment depends entirely upon

<sup>43</sup> *Mass. Acts*, 1884, chap. 320.



the character and ability of the official who is for the time being the department head, or on the party organization which controls him. Appointments as a rule are treated as a private matter and political and personal considerations commonly enter into the selection. The appointee is inevitably under obligations, not to the public, but to the appointing officer. It is probably true that subordinate officials are rarely disturbed for political reasons unless prominently offensive in political matters. But the tendency seems to be not only to fill vacancies with friends, but also to create new places for them. The natural result is increased cost of administration and probable loss of efficiency.

To illustrate, let us take two examples. The penal institutions of Suffolk county are under the jurisdiction of the penal institutions department in Boston.<sup>44</sup> The penal institutions commissioner, the head of the department, is appointed by the mayor subject to the confirmation of the civil service commission. He is, therefore, considered a city official, and his appointments for the city office are subject to the civil service regulations.<sup>45</sup> The Deer Island house of correction is under the jurisdiction of the penal institutions commissioner. Nevertheless it is considered a county institution whose officers and employees are exempted from the civil service laws. By statute the penal institutions commissioner is authorized to appoint the master of the house of correction who in turn selects his subordinates.<sup>46</sup> In practice it probably works out that the Deer Island officers and employees are selected by the party organization in power in the city.<sup>47</sup> As a result, it is claimed, unfit appointments have been common. An investigation by the Boston Finance Commission<sup>48</sup> discovered among the officers and employees of the house of correction men who had been dismissed for cause from state or city appointive positions,<sup>49</sup> men who were guilty either of providing the prisoners with or of permitting them freely to procure morphine and cocaine<sup>50</sup>, and men who were seen drunk not only while on leave of absence, but even while on duty.<sup>51</sup> The commission, finding a

<sup>44</sup> *Mass. Acts*, 1897, chap. 395, sec. 5; 1899, chap. 245.

<sup>45</sup> The Attorney General of the state has so ruled.

<sup>46</sup> *Revised Laws*, Chap. 224, sec. 16.

<sup>47</sup> *Boston Finance Commission Report*, V (1910), pp. 86-87.

<sup>48</sup> *Ibid.*, pp. 84-94.

<sup>49</sup> *Ibid.*, p. 87.

<sup>50</sup> *Ibid.*, p. 89.

<sup>51</sup> *Ibid.*, p. 87.



number of the officials "guilty of the same offense as three-fourths of those who are receiving punishment under their charge," drew the conclusion that, "though the institution was meant to be a reformatory, it more nearly resembles a school for crime."<sup>52</sup> It is difficult to see how conditions may be permanently improved so long as subordinate officials are appointed through political influence which they believe is strong enough to keep them in office notwithstanding their misconduct.<sup>53</sup>

A second specific example is found in the recent appointment of the clerk of the municipal court of the city of Boston.<sup>54</sup> Since the clerk is not under civil service regulations the dominant political organization in Boston, it is claimed, was able to bring pressure to bear on the governor's appointment. It is alleged, that the appointment was made solely for political purposes. The appointee had not served an apprenticeship in any inferior clerical position, and was qualified for the position neither by training nor previous experience. The number of appointees in that department, and the cost of administration, have been increased, it is claimed, as a direct result of this appointment.

County officers, especially county commissioners and sheriffs, have taken a most determined stand against the extension of civil service laws to county appointees in general. Many of these officers, I doubt not, honestly believe that the good of the service demands the continuation of the present system. They contend that the sheriff should be left free to select unhampered the members of his "official family," since he is required to furnish a bond large enough to cover "every official act of his deputies." They have little confidence in civil service examinations as a practical, efficient method of selecting men especially fitted for subordinate positions. A man of long and successful experience as a county official recently stated to the writer that he "should as soon think of applying civil service examinations to the selection of a wife as to the selection of any member of an official family." They contend further that such officers as keepers of jails and masters of houses of correction must be selected preeminently for their special fitness for the work required outside of their ability to pass an examination. And although a civil

<sup>52</sup> *Boston Finance Commisison Report*, V (1910), p. 91.

<sup>53</sup> *Ibid.*, p. 93.

<sup>54</sup> The clerks as well as the justices of the municipal court are appointed by the governor.

service examination furnishes an officer "well equipped physically and mentally, it cannot possibly adequately test his moral temperament or social virtues."

These officers who inevitably have a personal interest in retaining unhampered the authority to select their subordinates are supported by persons, who from entirely impersonal considerations, believe that county officers who having to do directly with the courts should not be brought under civil service regulations. Certain men go so far as to assert that it is presumptuous on the part of any civil service commissioners to put themselves up as an authority greater than the judges of the courts.

On the other hand, it is the opinion of certain men<sup>55</sup> of practical experience that the public would receive greater protection through the civil service commission than they have received or are now receiving from the judges. If we grant that civil service laws should result not only in raising the standards of efficiency in public service, but also in giving to all qualified persons an equal opportunity of attaining office, does it not logically follow that clerical positions in the courts should be brought under civil service regulations? For, in case of appointments made by the judges personally, all qualified persons are necessarily excluded except the friends of the judges or those recommended to the judges by their comparatively small circle of friends.

Many men of experience in office are convinced that the extension of civil service to county appointees would not only increase the efficiency of the service and give all competent candidates a fair and equal opportunity, but would also be of great advantage to the officials who now have the appointing power. For in his appointments the elected official, if he hopes for re-election, is now forced to respect the importunities of the party politicians. The most convincing argument in favor of the extension of civil service laws to the county appointees comes from a comparison of the service rendered by the non-civil service appointees with that of the state or city appointees under civil service. Moreover, if civil service laws are necessary for city appointments, where the appointing officer has the public attention continually centered upon him, how much more necessary are they for county appointments where the appointing officials are so far removed from the people that they escape the sobering effect of a focused public scrutiny.

<sup>55</sup> Men in no way connected with the civil service commission.



Another set of Boston county problems relates to county finances. The Boston Finance Commission pointed out<sup>56</sup> in 1908 that there was no legal limit upon taxation for county purposes, "no effective check on the increase of salaries and the creation of new places;" and a "crude system of estimates and appropriations" existed. Such a system resulted in an increase in county general expenditures of about 97 per cent, within fifteen years prior to 1908, in contrast with an increase of about 32 per cent in population and 51 per cent in valuation.<sup>57</sup> The Boston city charter of 1909, however, has remedied certain of these difficulties. The system of appropriations and expenditures under the new charter furnishes a much more effective check on unnecessary county expenditures than was possible under the previous conditions. The heads of the county departments are required to submit annually to the mayor of Boston itemized estimates of the expenditures of their departments. Such estimates are examined by the mayor, and, at his discretion, are incorporated in the annual budget which is then submitted to the city council for its approval. The council may omit or reduce, but may not add or increase any item.<sup>58</sup>

Perhaps the most effective check on county expenditures is the Boston Finance Commission. It has the right (of which it makes the fullest use) to investigate county appropriations and expenditures and report its findings to the mayor and city council, the legislature, or the governor of the state.<sup>59</sup> Nevertheless, the rate of increase in the general county expenditures continues disproportionately large. The increase for 1911-12 over such expenditures for 1910-11 was about  $8\frac{1}{2}$  per cent.<sup>60</sup> Probably no small item in the increased expenditures in certain county departments arises from the "new places" which, it seems, may still be created too easily. There is still no legal limit on taxation for county purposes. County expenditures are borne by the city. However, the tax limit of \$10.55 on each \$1,000 of assessed valuation<sup>61</sup> does not apply to county expenditures. Over and above the tax limit, the city may raise by taxation an unlimited amount for county purposes. The city debt limit of  $2\frac{1}{2}$  per cent of the assessed valuations<sup>61</sup> includes the county debts

<sup>56</sup> *Boston Finance Commission Reports*, I (1908), pp. 392-403.

<sup>57</sup> *Ibid.*, p. 393.

<sup>58</sup> *Mass. Acts*, 1909, chap. 486, sec. 3.

<sup>59</sup> *Ibid.*, chap. 486, sec. 18.

<sup>60</sup> *Boston Statistical Department, Special Publications*, No. 19, pp. 27, 32.

<sup>61</sup> Upon the average assessed valuation for the three preceding years less abatements.



since the city pays all the county expenses. In practice, however, the city debt limit amounts to very little in checking county expenditures, for most loans for county purposes are made under special statutes outside the statutory limit of indebtedness.

So far the county finances have not seemed sufficiently burdensome to demand a tax or debt limit for county expenditures.<sup>62</sup> But if the expense of the administration of county departments continues its present rate of increase, and if Boston is not in some manner relieved from bearing a disproportionate share of the expenses of litigation in the state, some arrangement for both a debt and a tax limit for county expenses will probably be demanded.

The present method of purchasing supplies for the county departments is, to say the least, uneconomical. The supplies for the different county departments are not purchased through the city supply department, but by each department head independently. There is absolutely no attempt at standardization of supplies for the county departments. There is not even the limited amount of standardization which is applied to city supplies. Efficient business administration demands that, since the city pays county expenses, supplies for both should be standardized and purchased through a single supply department.

Boston's relation to the other municipalities in Suffolk county, namely, Chelsea, Revere and Winthrop, is a further source of questionable expense. Chelsea, Revere and Winthrop are considered a part of Suffolk county for the purposes of the administration of justice and the election of county officials.<sup>63</sup> These municipalities, however, have no share in the ownership of, or jurisdiction over, county property, the title to which is vested exclusively in the city of Boston. At the same time they are freed from taxation for county purposes, since the entire county expense is by law charged to the city of Boston. Thus they receive the benefit, but do not share the expenses, of the administration of justice. Boston not only defrays the expenses of courts of superior

<sup>62</sup> The actual expenses for county purposes are small compared with those for the city; for example, for 1911-12 the actual expenses on account of the county of Suffolk were \$1,636,168.09 in comparison with \$33,341,529.32 on account of the city of Boston. *Auditor of the City of Boston Report* (1911-12), pp. 182, 199.

<sup>63</sup> For purposes relating to the jurisdiction of county commissioners, however, Revere and Winthrop are under the authority of the commissioners of Middlesex county and the electors of those towns vote for commissioners of that county, while in Chelsea the aldermen of the city exercise in most cases the functions of county commissioners. (*Revised Laws*, chap. 20, sec. 34.)

jurisdiction sitting in the county, but she also bears the greater share of the cost of the Chelsea police court.<sup>64</sup> In this connection Boston suffers a further slight injustice from a general law for all counties which provides that "fines in police or district courts go to the city or town in which the offense is committed." As a result of this law Revere and Winthrop, which contribute nothing to the maintenance of the courts, make a clear profit from the fines thus received.<sup>65</sup> The legislature in 1911 attempted to eliminate the injustice by passing an act providing that upon application by any of the municipalities in Suffolk county the supreme judicial court should appoint a commission to investigate and report its decision concerning the adjustment and apportionment of the county expenses among the several municipalities, and that "the decree of the court confirming the decision shall be final and binding."<sup>66</sup> The act, however, was declared (May, 1912) by the supreme judicial court of Massachusetts unconstitutional on the ground that it was "an attempt to transfer to the judicial department a legislative power",<sup>67</sup> which is contrary to the constitutional provision declaring that ". . . the judicial shall never exercise the legislative or executive powers or either of them; to the end it may be a government of laws and not of men."<sup>68</sup> This decision, however, leaves the legislature free to act directly in the matter should it choose to do so. A bill has just been introduced (March, 1913) providing for the appointment, by the governor, of a commission composed of non-residents of Suffolk county, authorized to consider the adjustment of Suffolk county expenses and report a suitable bill to the legislature in January, 1914. There is at present a movement on foot to annex Revere to Boston. The apparently growing demand for annexation to Boston of the contiguous municipalities may enter into the solution of the problem of Suffolk county expenses.

A survey of Boston's county problems should not be dismissed without a consideration of the relation of the city and county to metropolitan Boston.<sup>69</sup> Metropolitan Boston, or "Real Boston,"

<sup>64</sup> *Boston Finance Commission Reports*, I (1908), 435. During the year 1911-12 Boston paid on account of Chelsea police courts the sum of \$13,932.13. *Auditor of the City of Boston Report* (1911-12), p. 195.

<sup>65</sup> *Boston Finance Commission Reports*, I (1908), p. 436.

<sup>66</sup> *Mass. Acts*, 1911, chap. 482.

<sup>67</sup> 212 *Mass. Reports*, 127.

<sup>68</sup> 212 *Mass. Reports*, 128. Quoting *Mass. Constitution*, Art. 30 of the Declaration of Rights.

<sup>69</sup> *Proceedings of the American Political Science Association* (1911), pp. 70-72.

in contradistinction to municipal Boston, comprises an area of four hundred and seventeen square miles with a population of about a million and a half, while municipal Boston has an area of only thirty-eight square miles and a population numbering a little more than six hundred and seventy thousand. While there has grown up a great urban center with a population bound together by common commercial and industrial interests, no central government for the whole has been devised. Over this urban population there are thirty-nine different municipalities, five counties, the metropolitan park commission, the metropolitan water and sewer boards, each independent of the others and under the jurisdiction of no central authority except the state legislature.

With the consolidation of the metropolitan area into a great industrial and commercial unit has come a consciousness of a community of interests which causes many to look with impatience upon the existing decentralized, segregated system of local government. Such a system with its conflicting municipal and county jurisdictions, it is believed, hampers the effective solution of the industrial, commercial and social problems<sup>70</sup> common to the entire district. The result has been a more or less intermittent agitation for the adoption of some form of governmental cooperation within the metropolitan district.

As long ago as 1896, a metropolitan commission submitted to the legislature a plan for bringing all the municipalities within the metropolitan district into "the boundaries of a single county."<sup>71</sup> Such a county should "have larger legislative and administrative powers than counties in . . . (the) state . . . (had) hitherto possessed."<sup>72</sup> The existing counties and metropolitan boards within the district were to be abolished and their functions vested in the newly-created county government. The county, according to the commission's proposal, was to be governed by a "county council" in which the cities and towns of the metropolitan district should have "reasonable representation."<sup>73</sup> Hostility of the county interests and the spirit of local autonomy in the several

<sup>70</sup> Such as "developing industrial sites and centers" and "an adequate system of terminal facilities". Pamphlet *Real Boston* issued by Boston Chamber of Commerce, Dec., 1910, p. 5.

<sup>71</sup> *Report of the Metropolitan District Commission* (1896), p. 3.

<sup>72</sup> *Ibid.*, p. 6.

<sup>73</sup> *Ibid.*, p. 41.



municipalities probably were the chief factors in defeating the proposed union.

Since 1896 the question of governmental cooperation in some form or other has been almost continually before the people of the metropolitan district. Recently, the Boston Chamber of Commerce has been leading the agitation for the federation of metropolitan Boston. It favors the creation of a metropolitan council with "advisory powers only,"<sup>74</sup> consisting of representatives of thirty-nine cities and towns within the district. A somewhat similar proposal has been made by the "metropolitan plan commission" created by the legislature in 1911. A bill before the legislature at the present time (March, 1913) contemplates the consolidation of the metropolitan district into a single municipality.<sup>75</sup> The status of public opinion, however, seems to preclude, for the time being at least, the possibility of accomplishing the proposed consolidation. The desire to retain local autonomy and the mutual jealousies among the several municipalities are prominent hindering factors. Perhaps the most obvious obstacle to consolidation is the fear of complication growing out of the liquor license question.<sup>76</sup> Certain public-spirited men in Boston further oppose such a change on the ground that under the present standards of municipal government it would result merely in the consolidation of "the political power of mercenaries" which would aggravate rather than reduce the existing governmental evils.

It is noteworthy that the more recent proposals for the governmental unification of the metropolitan district have not contemplated disturbing in any manner the boundaries or functions of the counties within the district. At present it seems probable that the solution of the problem of a "Greater Boston" will be attempted through the slower process of piecemeal annexation and that the present illogical and antiquated position of the counties in the district will not soon be disturbed. However, it is difficult to believe that in the great urban community comprising metropolitan Boston, a system of county government can permanently remain, the boundaries and functions of which conform to eighteenth century local conditions rather than to those of the present day.

<sup>74</sup> Pamphlet *Real Boston* published by the Boston Chamber of Commerce, March, 1911.

<sup>75</sup> House Bill Number 1119, "an act to provide for a Greater Boston by the consolidation into one municipality all cities and towns lying wholly or partly within ten miles of the State House."

<sup>76</sup> Boston is "wet" while the surrounding municipalities within the urban district are "dry."

## COUNTY ADMINISTRATION OF SCHOOL AFFAIRS IN ITS RELATION TO THE STATE DEPARTMENT

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Second to no other question of government is that of the administration of public education. While we of America so justly boast of our accomplishments in that line, may we not well pause to inquire if much of our extreme elation is not open to serious question? While there is no cause for pessimism there does seem to be every cause for serious facing of the facts. In 1910<sup>1</sup> there were in the United States more than five and one-half million persons over ten years of age who could not read or write. This means seventy-seven out of each thousand of our people illiterate. It is quite true that this number is made somewhat larger than would otherwise appear, by the incoming immigration and the presence of the negro. But these classes are with us, and the realization of that seeming excuse does not lessen the largeness of our problem. It should be noted that while 67 of each 1,000 of our children of native parents are illiterate, that only sixteen native white children of foreign parents are in that class. And aside from illiteracy, we must not be content unless education is leading our people well up toward the limit of their possibilities as individuals and as members of a great cosmopolitan state.

### *Universality and Unity of the Educational Problem*

Nor should the good of the individual be alone considered, for more and more should we feel the importance of education as a nationalizing force. A realization of this vital fact calls for a universal interest in the solution of any and every educational problem; each should be an item of more than local interest. True the city has its particular system and plans within that system; the rural region is working on its problems; but each is of importance to the other. Especially must the city be concerned with what the rural region is to be. Peculiarly is the city dependent on the country; prolonged

<sup>1</sup> Russell Sage Foundation. *A Comparative Study of Public School Systems.*

prosperity in the city is impossible without a prosperous rural and small village community to supply its needs. And what the rural region is to mean to the city depends upon the intelligence of the rural people. An intelligent gardener, horticulturist, farmer, stock man is a greater producer than his ignorant neighbor; he contributes a larger food and a better food to the city buyer; he himself is a larger buyer and a better buyer of what the city has to sell. Each new invention of transportation or communication breaks down the city limit, tramples to the ground the hedges once surrounding the small community—city and rural region are merged into one great living thing.

#### *Free School Idea and Its Expansion*

The wisdom of the free school idea so largely accepted in this day we assume without question. But more and more must the idea be extended—extended commensurate with the changed conditions and unified relations. As the free school idea originally assumed the right to tax the one for the education of his neighbor's child just so now is distance obliterated and the neighbor may not be so near as the adjoining block or farm; he may be in the other end of the township, in the other side of the county, in distant part of the state, but yet within the system. Enlarged relations demand enlarged units of consideration as to educational taxation and administration. While education must come close down to the child, the expenses for education must not be a local matter. The child educated is more than liable to give his life work to another community, to the city perhaps, and not to the locality that might otherwise be called on to meet the cost of his education.

#### *Needs of the Educational Work*

Then, while accepting the free school idea and agreeing that we should not be content with less than the very best, examination shows that our schools have far from reached desired ground; having accomplished much for the American youth, they yet can accomplish more. A close analysis discovers that they are weak especially in these particulars: the terms are too short; teachers are poorly paid, hence, poorly trained; too many children of school age are not enrolled; per cent of attendance on enrolment is too small; schools are poorly graded; marked inequalities are evident. Six



states have their schools open less than six months of the year and one but five. Thousands of rural teachers are paid less than \$150 per year. One New England state pays less than six dollars per week to hundreds of teachers. The average yearly wage is less than \$500. Carpenters, coal miners, factory workers, common laborers receive more. Teachers cannot be well prepared and stay with the work under such conditions; schools lose the best. Several states have fewer than two-thirds of their children enrolled in schools of any kind; under proper organization they could have more, for three states at least have more than ninety per cent in school. Taking the whole country over, the school year taken advantage of by every pupil of school age would be equivalent to little more than four months, and for nearly one-fourth the states it would be less than three. Many schools stand entirely ungraded, no unity of action, even though transfers of pupils from one district to another may be common, each school is too often a rule and a law unto itself. Thus it can be seen that the schools are falling far short of desired efficiency, often discouragingly short, falling short while surrounded by most powerful forces for our nation's future if they be developed, forces latent in those boys and girls that are not getting their fair share of what the state should give. There is too much inequality. We should not and must not be content until we see the poorest schools of the future equal to the best of to-day. And how bring about that desired condition?

### *What Would "Big Business" Do?*

Doubtless many forces may be made to work together to correct deficiency, but we shall within the scope of this short paper look to the one that seems to promise most. Let us look at it through seeing what business, especially "big business," does under similar circumstances. Business everywhere, when well organized, considers, not its capital, but the men in direct control, as its most vital asset. An examination of the great "trusts" that have arisen in these late years, arisen to succeed and stand or to fail and fall, shows that each did so largely in proportion to the caliber of the men in charge. Other items come in to influence, certainly, but, failing of a forceful head, large general success does not come. Not retrenchment but efficiency is the watchword, and business with increased remuneration more than commensurate is the result.

*Parallel in Education*

And so must education do; so must we respond to the educational need,—for here also is “big business.” Think of it (county and city considered):<sup>2</sup> New York with \$198,000,000 invested in school plant; Illinois, \$88,000,000; Massachusetts, \$72,000,000; Missouri, \$38,000,000; California, \$45,000,000; in the Southern States, from \$2,500,000 to \$23,000,000; a total for the nation of more than one billion dollars. In addition to this investment in plant, public education in the United States receives more than one-third of a billion dollars for yearly maintenance of the work. Other business seems to sink into insignificance when compared with this really “big business.” Education reaches, or should reach, in its influence every individual, which no other business does. Should it not have the most efficient oversight? States should certainly look well to the administration of such amounts. If a business to turn out pig iron, or cotton cloth, or oil, or cigars, can afford to call the best, though high-priced, business talent to its service, cannot afford in fact to pay men of lesser worth, can the public schools whose product is to be men and women do a lesser, smaller part? We must have the result in education of the enthusiasm, advice, force of our best men, and that expended right where it may count for most. We must look to our problem of supervision for undoubtedly we have not shown the wisdom of the business man with only dollars and not lives of boys and girls at stake. Supervision is not everything but as a large item it demands especial notice.

*What Has Been Done?*

But that does not mean that little has been done in school administration. Much has been accomplished. Practically every state has its state superintendent of schools or some officer answering thereto, and they form a splendid group. These officers, while concerned with the work of the state as a whole, see in the small community and rural region their greatest problem and opportunity. What they now are doing toward the betterment of conditions fills the whole outlook with promise. But what course is best seems nowhere to have been fully determined. Many excellent plans formu-

<sup>2</sup> Russell Sage Foundation. *A Comparative Study of Public School Systems.*

lated have not been carried out because of lack of financial support. Legislators must be educated to the need and convinced of the best course to pursue. But this is evident: state departments hope to accomplish most, only as they have supervisors of smaller units under their direction. In most states this has taken the form of county supervision, for the feeling prevails that a supervision close to the problems can best work out definite results. It is understood, of course, that, in several states, the county does not exist for school purposes, so special law provides instead. A majority of the states already have county supervision, in most of them the office being compulsory, as in Kansas, Missouri, Illinois; in others, as in Arkansas, it is optional with the county. Nevada is one state that has abolished the county superintendent and put out into the work five deputy state superintendents instead. Virginia has a system of district supervisors, sometimes with only one county, but often with more than one. Theirs is an effort generally to carry out supervision in particular lines and the plan seems to promise much. West Virginia has twenty-nine superintendents of magisterial districts in addition to county superintendents. Ohio has no county superintendents, but has legal provision, through local option, for district and township supervision. Massachusetts provides for supervision of townships or of groups of townships. Rhode Island, Maine, Vermont, have similar laws but in many cases they are not complied with. In 1910 it is said that forty per cent of the pupils were without supervision. Bills for providing assistant county superintendents were passed in 1911 for Indiana, Michigan, Minnesota, Oklahoma. Several other states already had some such provision. Oregon has a most significant law which provides that when a county has more than sixty school districts, the county superintendent shall appoint a county educational board which shall divide the county into supervision districts of twenty to fifty schools with a supervisor over each, he to act under the county superintendent. Other states with varying plans might be mentioned but the above is representative of what would be found.<sup>3</sup> Boards of education of varying composition and diversity of powers act with local supervisors; in some cases advisory, in others subject to him, in yet others largely dominating his action.

<sup>3</sup> In some cases no late report was received, but these serve to show average conditions.



*Qualification, Election, Salary and Duties of County Superintendent*

Qualifications of the county superintendent or corresponding officer vary greatly. In some states the law is quite specific and calls for large academic and professional preparation. In others there is practically no limitation as to choice. He is usually expected to be a resident of the region for which chosen. The plan of selection varies greatly. Election by popular vote in same manner as other county officers are chosen is the usual plan; appointment by those in higher supervisory positions is found; appointment by boards of education is not uncommon. In many places the office is largely a political one and thus the best man often fails of choice. The salary is generally inadequate. In 1907 the maximum in one of the best states of the Mississippi Valley was, with a single exception, \$900, and as low in some counties as \$400. Salary usually varies with the number of teachers supervised. In North Dakota assessed valuation is the basis. The new code of Pennsylvania fixes on \$1,500 to \$2,000 paid by the state, and the county may add to this amount. Some counties have an assistant at \$1,200. Some southern states run as low as \$450 plus \$150 for traveling expenses. New York pays \$2,000 by the state, and the county pays \$600 for clerk hire. In many states the salary will not continually command the best talent for the work. And yet excellent things have been done.

The usual work of the county superintendent covers most of the following mentioned lines: (1) Office work, which demands entirely too much of his time, at least half of it being usually spent clerically. (2) Certification of teachers and advice plus more or less authority regarding their employment. Certification plans vary widely, from full power in his hands, to mere oversight of writing on the questions sent out by state board and return of manuscript to them for grading. (3) Visitation of the teacher in her schoolroom work, giving encouragement and advice. (4) Holding of teachers' institutes, associations, reading circle meetings, etc. (5) Distributing state and county funds. (6) Making reports of conditions to those in authority above him. In many places, of course, these six lines are abridged as only part time is given to the work. The following enumerated list from responses by state superintendents to a questionnaire as to best things being done by county superintendents is representative of the special efforts put forth by those officers.

These are in addition, of course, to their regular work of visitation and general supervision. In the list we find the following as representative of best movements: Supervision for better agriculture, industrial education, boys' corn clubs, girls' domestic science, manual training, uniformity in use of course of study and promotion examinations, county graduation, establishment of standard one-room schools, good roads, special schools for older boys and girls, consolidation and rural high schools, heating and ventilation improvements, sanitation, play and games, school farms, medical inspection, improved local taxation, teachers' training in high schools, county agricultural high schools, supervision of agriculture and domestic science, plans against illiteracy, demonstration farms, lengthened school terms, annual county school-day exhibit, social betterment, supervision of special subjects, special assistant to county superintendent, cleaner school grounds, school gardening, cooperative purchase of school supplies, outdoor schools, poultry clubs, patrons' clubs, spelling contests, county field meets, libraries, pupils' reading circle work, primary supervision. These are certainly some active and worthy lines. North Carolina has had a system of county superintendents' meetings that seems to promise much. There were no addresses, but practical problems were worked out and uniform programs were agreed upon. At these meetings, state supervisors conducted work along their particular lines, *i. e.*, teachers' training, inspection of elementary education, high school work, agriculture, health. Three days of five hours each per meeting were given. County superintendents returned to work enthused with new ideas practically formulated. The idea is bound to grow. As mentioned, in some particular states, assistants to the state department in the person of special supervisors more or less numerous have lately been doing some excellent work. Some good work has been done thus in Kansas. Those in Arkansas under the direction of the state superintendent are among the most significant. Among these are a high school inspector, who goes into every county; a supervisor of elementary education who does a similar work for those schools; school improvement association organizer; special worker with the negroes in their educational problems.

### *Tendencies*

A larger degree of centralization in maintenance as well as in control is everywhere in evidence. With county superintendents



the tendency is to increase required qualifications and to raise salaries, both tending toward greater efficiency. The unity of the problem is drawing it more and more away from local taxation toward increased state funds. Nevada pays for all supervision outside of cities. Pennsylvania pays her county superintendents everywhere. New England states contribute a part. In raising a fund for general school purposes, a proposed law of Massachusetts, which, however, failed of passage, while extreme, is yet indicative of the trend. It provided that all school funds be raised by a state tax to the exclusion of all local taxes. It undoubtedly points toward large changes in the near future. Local taxation, especially as to its distribution, is in most cases bad. We must have larger units that equity may prevail. Weak, though just as worthy and more needy, communities continually suffer for want of funds while their neighbors have more than sufficient for all school needs. State superintendents are more and more exercising their advisory and organization powers. Some states allow state and county superintendents to be chosen from outside the territory they are to supervise. Length of terms is left more unlimited. Certification is passing into the hands of the state.

### *The Need as it Appears To-day*

What shall the educational future of the county or similar unit be? Two demands in a way seemingly at variance are most in evidence. The one consistent with the large unity of the whole plan of education demands that the state supervisor have all district and local supervisors under his control, and that plans largely emanate from his office. The other, growing out of purely local conditions and local pride, demands that the supervisor be one locally interested in the work, that he shall give himself to problems close to the individual school and the home. In most respects these two work out together, in the matter of initiation of reforms they may appear at variance but are not. The need calls for both and more. Let us examine what seems to be the need from the point of view of: I. Number, kind, and grade of supervisors. II. Relationship and dependence among supervisors, with conferences and plans. III. County superintendents and county boards of education. IV. Finance.



### I. *Number, Kind and Grade of Supervisors*

(A) There should be a state superintendent acting with a state board, the two bearing about the same relation to one another and to the educational work of the state as is found in most of our commonwealths of to-day. Little reform as compared with other needs is here evident. The state superintendent's tenure of office should be greatly increased. He should be the best man obtainable, even though he be brought from outside the state as Governor Woodrow Wilson did in selecting New Jersey's Commissioner of Education. (B) Deputy state superintendents, two or more, sufficient to bring the central office more closely in touch continually with all parts of the state. The force of a strong state department needs to be felt more. (C) Supervisors of special subjects: High school inspector; inspector for elementary education; agricultural leader; school improvement organizer; worker with special classes. (These latter and those mentioned under (B) could in many states be the same individuals performing both duties.) (D) County superintendents. (E) District supervisors or visitors, one for each thirty to fifty schools acting as deputies for school visitation under the county superintendent. States having township rather than county units should have unions of a number of townships to equal usual county in extent, or, having township supervisors, deputy state superintendents might perform supervisory duties of county superintendent as one or the other plan best works out there. The Nevada plan of five deputies and no county superintendents or district visitors would hardly be sufficient for more densely populated regions. The Oregon plan of division within the county fulfills our ideas of closer visitation and supervision of the individual teachers.

### II. *Relationship Among Supervisors*

Relation and dependence among these suggested officers are perhaps evident. The state superintendent would have as his advisory board and co-worker his deputies and supervisors of special subjects. These could best perform most duties of the state board as now constituted. In their frequent meetings, plans would be perfected, circulars issued, legislation planned. Special supervisors would go out to push their departments, deputies sufficient to reach all parts of the state once or twice a year at least would look after general interests among the county superintendents. Once during

the summer, and at other times as needed, they would hold conventions of county superintendents, perhaps by congressional districts. Here, as in the North Carolina plan before mentioned, enthusiasm and school spirit would be engendered, supervisors could well present their several special lines, practical plans be formulated. The county superintendent would go back to his work carrying something of value to his county. He with his deputies or district visitors would work out their ideas modified to meet local needs. This enthusiasm and these advanced ideas carried on to teachers would be felt immediately throughout the state. Schools would be bettered, not by mechanically formulated rules and plans, but by intelligently adapted ideas, ideas fitted to needs, and if no need then no action. But action taken would be united action. Especially would come united encouragement and enthusiasm. Deputy county superintendents (and township supervisors, where that plan prevails), should have only such number of teachers as they could well oversee, not so few as to invite to over-supervision. The committee of twelve of 1897 suggests that one could supervise from fifty to seventy-five teachers, but thirty to sixty would seem to be better under this plan.

### III. *County Supervision*

Whatever plans may otherwise be, the county superintendent or similar officer is indispensable to a successful school system. States with county units have ideal opportunities. Most states are at least partially realizing this and providing for such officer. The qualifications should be high. They should be active school men, the best from the teaching force obtainable and if necessary to secure the best, county and state lines should serve as no barrier in their selection any more than it does in securing city superintendents. The likelihood of securing best men for the place seems to come through other than popular election. Under that system politics plays too large a part. Special commissions of Wisconsin and of Texas as well as other places have determined that the county superintendent should be chosen by the county board of education, and that seems the best plan. Georgia, North Carolina, Louisiana, Maryland so choose. Boards being chosen by the people stand responsible for their selection of county superintendent and when he proves unsatisfactory they need not wait until the end of his proverbial four years to make a change. This officer must be gotten



out of politics and such cannot be so long as popular election along with other officers is resorted to. When chosen, his tenure should be understood to be so long, and only so long as his work is satisfactory. Look at Kern of Illinois, or Miss Jessie Field of Page county, Iowa, and others for example. They should be given such territory (possibly more than one county in sparsely settled regions) as would occupy their full time. There should be no division of time with other occupation. With these safeguards more of real worth could be secured. The salary, as suggested elsewhere, should be such as would offer an inducement to enter that line and to remain actively engaged. We need not repeat the duties in detail here. Those elsewhere enumerated would practically all be within his line of action, his duties being mainly outside first and second class cities. His deputies would constitute his advisory board and with him might exercise many of the duties of a county board. We would suggest some changes and additional duties. Certification as found in many states should be mainly in the hands of the state board. Questions should come from that body; county superintendents oversee manuscript work; grading and certification be done by state; county superintendent to approve certificates for his county. He should make consolidation of weak schools an item of especial attention as a most important movement. Undoubtedly here is opportunity for a larger, fuller rural life. He should strive to build up his teaching force, and encouragement of normal training work in high schools is one of the most promising lines. For purposes of administration of specific schools, including organization, employment of teachers, etc., the township is better than the single school district as unit, and county as unit would be yet better. The success of Richmond county, Georgia, is an example. Undoubtedly we need to get away from the antiquated idea of single districts as units. In the selection of teachers the county superintendent should have larger advisory and stronger selective powers. The list of county superintendent's possible activities before mentioned, and which we need not repeat here, shows how great and far-reaching may be his influence over school and community life. No other officer approaches him in the possibilities of his work. County boards of education, elected by the people, should be carefully chosen and should stand ready to advance school interests generally.



IV. *Finance*

Reforms in our financial system as suggested are much needed. The tendency is more and more to draw on a state fund for large part of the need. The time has passed when this should be a local matter. A certain part, more than one-half, the needed funds should come from a state tax, and then local areas may supplement this amount as needed. The extreme position of the Massachusetts law before mentioned is, to say the least, not without its proper tendency. By all means should we have reform of our largely used system of financial distribution of moneys.

*Some General Objections Answered*

Two objections may at once arise. Is not such enlarged plan too expensive? Is there not so much machinery as to stifle the teachers' individuality? Neither of these objections is in the least valid. Statistics show that on an average less than two-thirds of our pupils of school age take advantage of school each day. Our outlay for plant, including cities, is more than one billion dollars, to say nothing of one-third that amount additional for maintenance each year. Compare the two-thirds efficiency with the vast investment and should we not, with the city, utilize the plant and maintenance more fully? Would business employ its capital at little more than sixty per cent of its capacity and be content? Would it not immediately call in overseers skilled to utilize that one-third that was being lost? No business to-day has better investment to offer than does supervision of schools hold before our people. Will not teachers' individuality be stifled? Not at all. Just as well say that railroads would be better run without organization; that Standard Oil owes nothing of success to its men in charge. Just as well might we do away with city supervision, and no one thinks of that. And we do not plead that the rural and small village child is so different unless such difference is to his advantage. It is not that he should have more but that he should have as much as his city cousin. Teachers would be a part of plans; supervisors would come in touch with them to advise, enthuse, stimulate. Where teachers are now so often uncertain as to what best to do, there would then be a confidence born of certainty. Before them would be brought and with them worked out plans along the various active lines before men-

tioned. Widened opportunities, lines of action based on real needs would give full chance for individual expression and expansion not now even thought of. Under just and full opportunity the rural boys and girls, in no way inferior material, will develop for society and the state large returns. Their education is a problem large. It must be solved, but solution is not alone for them but must be through them. Supervision discovers needs as they locally appear and suggests solutions. The child, aided by an aroused teaching force, encouraged by his parents, can then be trusted for results.

## CHARITY FUNCTIONS OF THE PENNSYLVANIA COUNTY

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The evolutionary process by which the functions of the Pennsylvania county have changed from the simple duties of caring for all classes of dependents as paupers to the complicated machinery of the modern municipality, offers a very interesting study. In some parts of the state the old methods survive while in others there is little trace of the original system. The clash of the old system with changing local conditions has brought about this diversity. It will be impossible to trace this in detail, requiring, as it would, the individual history of almost every county in the state. From a general outline of the development, the student of individual county conditions will find an explanation of much that is obscure.

The first recorded divisions of the local government obtained when the Duke of York possessed the territory which now comprises the states of New York, Pennsylvania, Delaware and part of New Jersey. The Duke's "Book of Lawes" formed the legal basis of proceedings of the courts of this territory closely imitating the English system in the form of government.<sup>1</sup>

Under the proprietary government of William Penn, the county became the most important unit of the administration, the town

<sup>1</sup> A High Sheriff, selected by the Governor from three nominees presented by the Justice of the last Sessions, was the chief officer of the riding. The people, by vote elected a Constable and Board of Overseers, the Constable serving for one year and the Overseers for two years, half returning annually. The Constables and Overseers were also church wardens and as such were responsible for the morals of the parish and for the care of the needy. Provision for the poor was made by the "town rate"—a tax for the support of local government as distinguished from the "public charge," the proceeds of which were applied to general maintenance, though levied in the same manner. By proclamation of General Andross in 1676 the Duke of York's laws were enforced in the three general courts along the Delaware, at Newcastle, Whorekill and Upland (Chester). ("Local Self Government in Pennsylvania," Vol. I, Johns Hopkins Studies, p. 25.) "These Courts had legislative as well as judicial powers and were entrusted with the enactment of laws affecting local matters, fixed rates for highway, the poor and other necessities, and selected the church wardens. These laws afforded a far greater degree of local independence than ever existed upon the Delaware before or afterward. They undoubtedly exercised considerable influence upon the institutions of the state, indirectly and even directly as some of the provisions were adopted by William Penn."



losing most of its political significance. The king's charter gave Penn the right to divide the country into towns, hundreds and counties, and to introduce the English system of manorial government. The real center of authority was the county court, which commissioned the officers who administered legal affairs and collected the tax for the poor as well as all other taxes of the county.

With the increase in population, the powers of the county court had to be distributed between the county and its subdivisions, the township, borough or municipality. In 1724, provision was made for three county commissioners to perform the duty which had previously rested upon the court of sessions. These commissioners held a court for trying appeals, had powers to proceed against delinquent collectors of taxes and to penalize the county treasurer and assessors if found guilty of neglect of duty. The subdivisions of the county were chiefly important as facilitating the collection of taxes.

No important change was made in the form of local government by the Revolution. Substantially the same system was adopted by the commonwealth as had been in force in the province.

At all times, the burden of caring for the poor pressed heavily on the taxpayers. Innumerable acts of assembly were passed to relieve conditions. In order to discourage the seeking of relief, all persons receiving aid from the county were forced to wear a badge with the letter "P" cut in red or blue cloth, as was the English custom. The act of 1771 (*Smith's Laws*, p. 332) proved the most satisfactory in dealing with the problem.<sup>2</sup>

<sup>2</sup> This act provided for the appointment of two overseers in each township by the justice of the peace with power to levy taxes for the support of the poor, and formed the basis for the present poor laws of the state. Where the poor are in charge of the township, the overseers must first obtain the consent of two justices of the peace before levying a tax, which shall not exceed one cent on the dollar. To determine the value of the taxable property in the township, the last county valuation was used. (*Beitler's Poor Laws*, p. 136.) Every means was taken to protect the township from imposters. Strangers had to bring certificates with them and householders who received a pauper or one who subsequently became such, were liable for their maintenance, unless they had given notice to the overseers within ten days after the arrival of the transient. Legal settlements could be gained in the following manner: by executing a public office for one year; by the payment of tax for two years; by taking a lease of real estate to the yearly value of £10 and dwelling upon the same for one year; by hiring as a servant and continuing to abide in such service for one year in the same township. The removal of the poor from one district to another was restricted and one county could sue another for the maintenance and removal of paupers.

By local legislation prior to the Constitution of 1874,<sup>3</sup> special provision was made for the erection of poor houses for an entire county and for the management of the same by a board of poor directors. New legislation was enacted June 4, 1879, which was intended to establish a general system for the relief and employment of the destitute poor throughout the state, its general plan or purpose being that each county should be or become a single poor district. The constitutionality of this legislation was at first doubted but has since been approved.<sup>4</sup>

To-day the county government in Pennsylvania is not one system, but the result of several. Beginning with the township system as now in force in New England, this unit lost its identity in the county. Nor can a consistent county system be said to have developed as it did in the South, for at a later period some of the county functions were restored to the township. Not all townships in the state are charged with the care of the poor. Early charters and local conditions have determined the responsibility for the care of the poor, without any uniformity throughout the state. In Philadelphia county, side by side with the Department of Public Health and Charities, with its numerous bureaus established to meet the needs of a modern municipality, there are five independent poor districts which levy a separate poor tax, maintain three almshouses and give outdoor relief according to the methods of two generations ago.

In spite of the centralizing tendency of the times, the care of the poor has remained a local function in Pennsylvania. The system is exceedingly flexible, permitting, within the political unit, specialization according to the population, but at the same time leaving the archaic methods untouched where local initiative has failed to adopt modern ideas.

Heretofore we have discussed the responsibility for the poor, without regard to the special classes into which dependents may be divided. In early times, all wore the letter "P" who were supported by funds raised from taxation, whether they were poor, insane, defective, sick or helpless because of infancy. The state owes these wards far different consideration from that bestowed by the overseers of the poor upon all classes alike. This differentiation of care will be illustrated in the following sections:

<sup>3</sup> Trickett, *Pennsylvania Law of Townships*, p. 67.

<sup>4</sup> *Rose vs. Beaver Co.* 204, Pa. 372.



*Outdoor Relief*

The Acts of Elizabeth formed the models for poor relief during the proprietary government. Dependents and prisoners were boarded in families, there being no need to establish the almshouse system as developed in England.

In 1705 a system of public outdoor relief was established which still survives in every county in the state. The number cared for in this way far exceeded those in almshouses and hospitals. One poor district, that of Philadelphia, has realized the disadvantages of this system. In 1859, because of the protest of the taxpayers that they were supporting at least 1,000 able-bodied men and women, the appropriation for outdoor relief was cut down. A committee was formed to provide some means by which the charities of the city might be protected from the countless impositions practiced upon them. These agencies were affected by the inefficiency and corruption which influenced the outdoor relief, as distributed by the guardians of the poor. The report, published in 1878, goes on to state:

The public has but slight acquaintance with their work and no sympathy for it.<sup>6</sup> They are regarded with more or less distrust, which is often based on ignorance and makes no allowance for the peculiar legal embarrassments they encounter, such as their obligation to provide for all who come to them without visible means of support. The best of the officials intrusted with the management of the system would, we are assured, be glad to find the people of the city showing some sense of responsibility for their work, and helping to set them free from such a legal subjection to imposture by a complete system of voluntary visitation and inquiry.

The committee undertook to establish a new organization which was known as The Philadelphia Society for Organizing Charitable Relief and Repressing Mendicancy, to make public and private relief in the city more efficient. This new society was strongly opposed by the officials. In order to throw upon it an impossible burden, the appropriation for the overseers of the poor, who had controlled from \$50,000 to \$75,000 yearly, was cut off. By thus embarrassing the new society, the overseers hoped to cause such suffering among the poor and force so many of them into the almshouse, that the public would demand the restitution of outdoor relief. Far different results followed. There was no great increase

<sup>6</sup> Devine, *Principles of Relief*, p. 301.



in the demands made for relief on the private societies and the population of the almshouse actually decreased. Since that time no attempt has been made to restore public outdoor relief in the form of providing food, groceries and clothing. The only outdoor relief now maintained in the city is the service of fifty physicians for the care of the poor in their homes and the provision for medicine for these patients without charge. The other poor districts in Philadelphia county have continued giving outdoor relief. In spite of the unnecessary drain on the resources of the county, which the care of these dependents involves, very little change has been made in the method of dealing with them. In the poor districts throughout the state there was an increase of .028 per cent in the number of those given relief as compared with 1910. In the former year 37,763 were so aided. The causes of destitution given by the overseers of the poor were as follows:

Permanent disability.....	21.90
Death, absence or desertion of father.....	14.73
Temporary sickness or want of work.....	40.29
Intemperance.....	2.03
Insanity, idiocy and feeble-mindedness.....	1.24
Want of work.....	19.81

### *Vagrants*

The aid given vagrants can best be discussed under the head of public outdoor relief, as in some counties they are given meals and lodging outside of almshouses, while in others they are housed with the paupers. In order to do away with the evils attendant upon the giving of excessive outdoor relief, a workhouse was built in 1712 to which tramps were to be sent. At all times the almshouse contained many able-bodied men and women, some of them non-residents. During the Civil War the steward of the Blockley almshouse reports that the high prices paid to shoemakers for army shoes takes nearly all of the men out of the almshouse. The state board of charities reported that in 1876, forty-two per cent of the whole number of those admitted to the almshouse were able-bodied persons. To overcome this situation the act of assembly creating the house of correction in Philadelphia provided that "It shall be the duty of the managers of Blockley almshouse to transfer within twenty-four hours after entrance into said almshouse, all able-bodied

paupers, adults or minors, except such as it may be necessary to employ in the service of said almshouse."<sup>6</sup> Various poor districts cared for 19,286 vagrants in almshouses during 1911<sup>7</sup> and 5,925 by outdoor relief. No record is kept of those given lodging in jails and police stations of cities, or those assisted by townships outside of almshouse districts. Transportation was given to 667 of this army of vagrants.

The "passing-on" system is used by the majority of county officials. Usually this consists in providing a railroad ticket which will take the vagrant over the county line, but in cases where the applicant for free transportation claims to be ill, he may be sent to the nearest point where there is a large hospital. The transportation agreement binding those charged with the duty of caring for transients to send none to their destinations without full investigation and a through ticket, has been signed by a number of the private charitable agencies throughout the state, but the Department of Public Health and Charities in Philadelphia is the only public relief agency to abide by its terms. The menace to life and property which this horde of vagrants is, at all times, would seem to demand that the state have power to regulate and control the movements of vagrants and not leave them to be dealt with by local authorities on the basis of self-interest.

### *The Sick*

The first almshouse built in Pennsylvania in 1730 was established to care for the sick and the insane. The guardians of the poor were not only charged with the care of sick paupers, but with public health and the control of contagious diseases.<sup>8</sup>

The power of the local authorities was further extended by the act of 1816.<sup>9</sup>

<sup>6</sup> *Report of State Board of Public Charities* (1911), p. 252. Act of June 2, 1876, P. L. 1301.

<sup>7</sup> *Report of Board of Public Charities* (1911), p. 253.

<sup>8</sup> During the yellow fever epidemic in 1793 Mayor Clarkson called for volunteers to relieve the Guardians of the Poor. Among those responding were Stephen Girard and Peter Helm, a Moravian. The Guardians refused to accept victims in the almshouse and most of them were sent to Bush Hill. But the plague invaded the almshouse and spread to all parts of the City. During the height of the epidemic the visits of the Guardians to the almshouse were not frequent, but the Steward and medical staff never deserted their posts. (Lawrence's, *History of Philadelphia Almshouses and Hospitals*, p. 41.)

<sup>9</sup> This act provided that "It shall be lawful for the Guardians of the Poor of the City of Philadelphia to remove all persons infected with smallpox to the

In the smaller county homes and hospitals, the care of the sick is a matter of almshouse routine, with infrequent medical attendance, little nursing attention and no isolation of those suffering from chronic diseases from inmates in good health. Patients bear the stigma of having been in the almshouse, and the traditional disrepute of almshouse management clings to all hospitals run by overseers or commissioners, whether still deserving of this disrepute or conducted according to modern methods.

With the establishment of local boards of health in cities of the second and third class, the duties of overseers in regard to public health became divested.

The State Board of Health was established in 1885<sup>10</sup> to have general supervision of the interests of lives and health of the citizens of the commonwealth and to study especially its vital statistics. In cities, boroughs, districts and places having no local board of health, or in case sanitary laws in places where boards of health exist shall be inoperative, the state board has authority to order nuisances to be abated and to enforce quarantine regulations. It is the duty of local health officers to make reports to the state board and to make such sanitary investigations as are requested. The division of responsibility between the state and local health officers is well illustrated by the campaign to control tuberculosis. The only local care afforded the bedridden consumptive, who has neither money nor strength to travel to the state sanatorium, is the almshouse, there being very few private hospitals which receive such patients. The State Department of Health was given \$2,600,000 by the legislature of 1911 to be spent in the prevention and care of tuberculosis. Two state sanatoria are maintained and 114 dispensaries in all parts of the state, with a staff of physicians and nurses. To fill in the gap between state and local care, an effort is being made to give single or two or more contiguous counties the right, upon petition of their qualified voters, to decide, at a general election, upon the question of erecting a local tuberculosis hospital and the issuing of bonds for the purpose.

Originating in the conception that the care of the sick and public hospital of the Board of Health in Penn Township and use and occupy such part of the buildings belonging to the hospital as may be required for the accommodation of such poor sick patients, together with their nurses and attendants taking care to prevent damage being done to the same." (Act of 1816, P. L. p. 35.)

<sup>10</sup> P. L. 1885, p. 36.



health generally was not a matter of public control, but the concern of private citizens with philanthropic motives, a system of subsidies to private hospitals became embodied in the state policy.

"At the present time there is no scientific basis on which the amounts appropriated these different classes of institutions or to the different institutions in each class are apportioned. A small local hospital in the northern tier of counties sometimes received a larger appropriation than a state-wide agency caring for hundreds of beneficiaries most of whom would otherwise be a charge on public funds. One of the thirty-five general hospitals in Philadelphia under private management received a larger appropriation from the last legislature than was given the Eastern penitentiary."<sup>11</sup>

While the state maintains only ten small hospitals in the mining regions chiefly for the care of injured persons, the legislature of 1911 appropriated \$5,441,300 to general and special hospitals under private management and control.

"We are not ready and cannot afford as yet to dispense with private benefaction in the maintenance of hospitals.<sup>12</sup> But we have been ready for some time to recognize the new state of the public mind which has now crystallized into a belief that the public health is essentially and of necessity a matter of vital public concern; that the control of hospitals is a proper governmental function and, as such, that no institution, whether publicly or privately supported, should be allowed to exist without the public, through its properly constituted officials, knowing exactly what is going on therein—its resources, its equipment, its efficiency and the service which it renders, or fails to render, to the community in which it is situated. This new public consciousness likewise realizes that hospitals should be developed and maintained only in accordance with demonstrated community needs and not otherwise."

### *The Insane*

In searching for an historical precedent upon which to base a programme for the care of the insane to-day, any of the political divisions of the state, or the state itself, may be cited as responsible,

<sup>11</sup> Proceedings of the Fourth State Conference of Charities and Corrections, Wilkes-Barre, Pa., *State Appropriations to Private Charities*, 1912.

<sup>12</sup> *Report of the Committee on Municipal Charities of Philadelphia* (1913), p. 83.

according to the period used for illustration. The Duke of York's laws contained a statute regarding lunatics:

That in regard the conditions of distracted persons may bee both very chargeable and troublesome, and so will prove too great a burthemen for one towne alone to beare, each towne in the rideing where such person or persons shall happen to bee, are to contribute towards the charge which may arise upon such occasions.

The first public recognition of insanity as a disease came in 1752 with the opening of the Pennsylvania Hospital in Philadelphia. This was a private institution, however, and had little effect on the care of the indigent insane. They remained in asylums connected with the almshouses and were associated with the poor. The care given was purely custodial. The legislature in 1841 had passed an act<sup>13</sup> providing for the erection of a "public asylum for the reception and relief of the insane of this commonwealth as soon as conveniently may be." But nothing was done until Dorothea L. Dix, after visits to the asylums and almshouses throughout the state, presented a memorial to the legislature, exposing the cruel and inhuman treatment of the insane. As the result of this memorial and the public opinion which it aroused, funds were provided for the erection of the Pennsylvania State Lunatic Hospital and Union Asylum for the insane, which was opened in 1851 at Harrisburg. So we see that the township, the county and the state had, in turn, assumed responsibility for the care of the insane. It is well to note that by act of assembly of 1854, the county from which a patient comes was charged with the maintenance of said patient committed to the state institution by order of court.

The state continued the policy of building hospitals. In 1856 the hospital for the insane at Dixmont was transferred to the state, having been a private hospital up to that time. Danville was opened in 1872 and the state hospitals at Norristown and Warren were opened in 1880. The state has been divided into five districts, each served by one of these hospitals. The asylum at Wernersville, completed in 1890, is used by all of the hospital districts for the treatment of the chronic insane.

The accommodations for the insane provided in these state hospitals were not adequate and local poor boards continued to care for the insane in almshouses and asylums rather than to pay

<sup>13</sup> Act of March 4, 1841, P. L. 57.



the maintenance fee required by the state institutions. The situation was reviewed by a commission appointed by the governor in 1882. This commission found that the county authorities had utterly failed to handle the problem of the insane. They were still cared for locally as mere custodial cases. To continue this inadequate provision for cases amenable to proper treatment was considered criminal, in view of the advances of medical science, and in psychiatry. Inhuman methods of restraint were still practised in almost all of the almshouses. By the recommendation of this commission, the state lunacy law<sup>14</sup> was passed, which provided for a committee on lunacy as a part of the State Board of Public Charities. By removing to the state hospital those insane who were neglected and abused in local almshouses and jails and by supervising those permitted to remain in the care of the local authorities, this committee was able to raise the standard of care. But the provision made for the insane in the state hospitals did not keep pace with the increased ratio, which has been gaining on the increase in the population. Moreover, the increased cost of maintaining the insane under the new standards proved too great a burden for some poor districts. After studying the situation throughout the state, as well as methods used in other states, the committee on lunacy established a system which later became known as "county care." By act of assembly in 1897<sup>15</sup> it was provided that the several counties might care for their own chronic insane, the state sharing the expense by paying a certain sum per week for the maintenance of such cases. Buildings must be erected according to plans approved by the Board of Public Charities, and the committee on lunacy has supervisory powers to license them and to receive patients. No transfers or discharges can be made without the consent of the committee. By this method the state came to the financial assistance of the counties. Formerly the entire cost of maintenance was charged to the county where the patient had a legal residence. Now each county pays \$1.75 per week for each of its patients in the state hospital, while if the county takes care of its own insane under the county care acts which were re-enacted in 1909, the state pays \$2.00 for each patient. In 1910, twenty counties were caring for their insane under these acts. There is

<sup>14</sup> Act of May 8, 1883, P. L. 21.

<sup>15</sup> Act of May 28, 1897, P. L. 83.



a wide difference of opinion in this state as to the results of this system. A commission appointed in 1907 declared<sup>16</sup>: "while it was not within the line of duty of this commission to inquire into the condition and management of the county insane asylums, of which there are twenty, and therefore will not go into details with regard thereto, at the same time, the expert testimony called in other matters alluded to this method of the care and treatment of the insane. Basing, therefore, our judgment upon this testimony and from our personal knowledge and information obtained from others, we are of the opinion that these county institutions, with the exception, perhaps, of those located in the larger counties, Philadelphia and Allegheny, should be abolished, and all inmates removed therefrom to state institutions."

The committee on lunacy<sup>17</sup> endorses this system and is doing all it can to induce the remaining counties to erect suitable buildings and to equip hospitals for the treatment of the insane. There would seem to be no question of the humanity of keeping the chronic insane near home, where they may be under the supervision of friends and relatives. It gives an opportunity for the parole of harmless chronic and improved cases in their own homes, which cannot be done by the big state institutions. It is probable that the "county care" act originally contemplated provisions for the chronic insane only. This result has not been consistently worked for. The state hospitals provide for many chronic insane, while some of the county hospitals have the equipment and nursing force required for the treatment of acute cases. The cost of maintenance in the state institution is higher than in the county hospital. In 1910, the rate per capita was \$4.25 per week at Harrisburg and Norristown, \$4.33½ at Danville, \$4.35 at Warren, with a maximum of \$4.56 at Dixmont. Many counties lose money by operating under the county care act. The cost per capita in Philadelphia county is \$3.91. Of this sum, the state contributes \$2.00, while if patients were sent to the state hospital at Norristown, the county would only be charged \$1.75. In 1910, the state hospitals were caring for about 9,000, while 7,000 of the insane were in almshouses and county asylums, operating under the "county care" act. Another attempted solution of the difficulty is seen in the act<sup>18</sup> passed by

<sup>16</sup> Legislative Committee to Investigate Charitable Institutions, p. 74.

<sup>17</sup> *Report of Board of Public Charities* (1910), p. 390.

<sup>18</sup> Act approved June, 1911, P. L. 855.

the legislature in 1911, in order to encourage the establishment of observation wards in certain hospitals which provides that "the trustees or managers of any hospital maintaining medical and surgical staffs in which courses of lectures on mental diseases open to medical students are maintained, with the consent and approval of the Board of Public Charities, may establish psychopathic wards for the reception and treatment of persons suffering with mental diseases. Each hospital maintaining a psychopathic ward shall be entitled to receive from the commonwealth the sum of \$2 per diem for each day during which each indigent person received in such ward under the provisions of this act shall be cared for and treated therein." Up to the present time only one hospital has availed itself of this act, St. Joseph's Hospital in Pittsburgh.

No logical system for the care of the insane has been worked out in the state. There is no state department which has real power to enforce the standard of care. State hospitals, county asylums, almshouses, jails and psychopathic wards of hospitals may care for the insane in any manner that they see fit. The burden of support rests unequally upon state and local institutions, and what policy the state will adopt in the future is a matter of uncertainty.

### *Defectives*

The class most deserving of care and such training as they are capable of, defectives, have fared poorly at the hands of county and state. All advances in the care of the deaf, blind, feeble-minded and epileptic have been due to the interest of the state and not that of the local authorities. The first of these groups to receive attention was the deaf. In 1821 the Institution for the Deaf and Dumb at Mt. Airy was established. Although managed by a private board of directors, five hundred pupils out of a total of five hundred and thirty are maintained by the state.<sup>19</sup> The oral method of teaching is used in this institution as well as two other schools for the deaf at Scranton and Philadelphia, the latter taking children before they are of school age, in order to train them to speak and understand sufficiently to go to school with hearing children.

Provision for the training of the blind has been made in two schools at the western and eastern ends of the state as well as by state appropriations to private homes.

<sup>19</sup> *Report of State Board of Charities* (1911), p. 203.



Although the deaf and blind are to be found in almshouses, they are largely cases where the defect has developed too late in life to make training effective or necessary.

For the feeble-minded and epileptic, no such adequate provision has been made by the state. The Pennsylvania Training School for Feeble-minded now at Elwyn was opened in 1854 and is a semi-state institution. It was not until ten years later that an ordinance of councils provided for the removal of 112 feeble-minded children from the Philadelphia almshouse to this institution. Some of its pupils are supported by the state while others are boarded by county commissioners and overseers. Two large state institutions are maintained for the feeble-minded and epileptic, one at Polk, accommodating 1,600 and the other at Spring City, with a present capacity of 500. The fact that in 1911 there were 1,306 epileptics in institutions not fitted to care for them, such as almshouses, insane asylums and jails, together with 2,595 feeble-minded similarly cared for, indicates to what extent these classes have been neglected.<sup>20</sup> The policy of state care for defectives has been consistently carried out with one exception. In 1911 the legislature appropriated \$200,000 toward a Philadelphia institution for feeble-minded at Byberry, intended to care for imbecile and moron types. This departure from the state's policy is not advocated by the commission on the segregation of the feeble-minded, which recommends<sup>21</sup> "the passage of an act defining insanity and feeble-mindedness as forms of mental unsoundness and placing all indigent mental defectives under the care of the state, especially under the supervision of the committee on lunacy, especially requiring reports to be made of all persons committed by the courts and detained in these institutions."

### *Children*

During the provincial government, it was the custom to keep orphans and deserted children in the almshouses until such time as they were able to work. Under the poor law of 1771,<sup>22</sup> the members of the almshouse committee, with the consent of the overseer of the poor or two or more of the magistrates, might apprentice

<sup>20</sup> *Report of the Commission on the Segregation, Care and Treatment of Feeble-minded and Epileptic* (1913), p. 16.

<sup>21</sup> *Ibid.*, p. 55.

<sup>22</sup> 1 Sm. L. 332.



poor orphans, males under twenty-one, females under eighteen. This was rather a recognition by the law of an established custom than an innovation in the care of children. In Philadelphia a visitor of children was appointed in 1781, thus relieving the overseers of this work. As early as 1804, a private institution for the care of children was established by the Orphan Society of Philadelphia, but it was not until the year 1883 that the necessity of separating children from the almshouse group received state-wide recognition by the passing of an act of assembly<sup>23</sup> which provided that "it shall not be lawful for the overseers or guardians or directors of the poor in the several counties, cities, boroughs and townships of this commonwealth to receive into or retain in any almshouse or poor house, any child between two and sixteen years of age, for a longer period than sixty days, unless such a child is an unteachable idiot, an epileptic, a paralytic, or otherwise so deformed as to render it incapable of labor or service."

It was fortunate that the Children's Aid Society of Pennsylvania had been established in 1882 and incorporated in the following year, as it became the most important agency in facilitating the removal of the many children in the almshouses of the state. This new law necessitated a conference between the Children's Aid Society and the guardians of the poor of Philadelphia, in which an offer was made to take children, and put them into private homes where they would be visited and supervised by the society. The offer was accepted for all children not Roman Catholics, and \$1.75 per week agreed upon as compensation. In addition the society authorized the president to open negotiations with the county directors of the poor in other parts of the state, and offered to start local children's aid societies, which should take care of the almshouse children of those counties. In 1883, the convention of directors of the poor framed a resolution commending this work of the Children's Aid Society.

"Public meetings<sup>24</sup> in the interests of the children of the almshouses have been held in Chester, Northampton and Franklin counties. In all of these counties the warmest response has been made to the call for help in rescuing children from almshouses, and local committees have been formed to find homes, supervise

<sup>23</sup> Act of 1883, P. L.

<sup>24</sup> *Second Annual Report Children's Aid Society* (1884).

and visit the children placed out, these committees acting as agents of the boards of overseers.

"The directors of the poor of Chester county have acted wisely in voting to allow a fair compensation for the board of children, feeling sure of the approval of all taxpayers, in so doing.

"At Northampton a meeting of ladies of high social position, as well as the most active charity workers of that county, moved by the needs of the poor, voiceless little ones, met and founded a children's aid society as auxiliary to the Philadelphia one. Since that time all the children have been placed out either in permanent homes or boarding houses and are doing well. It is to the credit of these directors that they furnished every child that came from the almshouse with a good suit of clothes."

Twenty-seven counties have now accepted the Children's Aid Society as their agent for the care of dependent children. In the other counties nearly every possible method of caring for children is represented in the courses chosen. Where the township system is in use, the few dependent children are placed out by adoption or indenture, by the overseers themselves. Several counties have built homes for the children, an expensive method, with no merit so far as the favorable situation of the children is concerned. Some of the overseers place the children in institutions, while others use private homes to some extent, controlling and supervising the children themselves. In an investigation by Mr. Homer Folks, of the placing-out work done by overseers of the poor, he found that the overseers, in replying to questions regarding the supervision of children so placed, did not understand what supervision implied.

"We do not believe that the directors of the poor, men of personal worth but of many business and political cares, are best fitted to the business of placing out children. In this work they make no reports to the heavens above or to the earth beneath and they keep very few records.

"This system of irresponsible placing out by men unaccustomed to such work is radically wrong. A work involving such responsibility and in which so much is to be learned by experience should be placed by statute in the hands of some central authority, or at least be guarded by a system of careful inspection by some higher power."<sup>25</sup>

<sup>25</sup> *History of Child Saving in the United States*, p. 144.

But the presence of children in the almshouses of Pennsylvania is not a thing of the past, in spite of the act of 1883. According to the Report of 1911,<sup>26</sup> agents of the State Board of Charities on their visits of inspection found 373 children in almshouses, ninety-five of whom were sound in mind and body and had been in the institution more than sixty days, in violation of the law.

The State of Pennsylvania, without taking any part in the care of dependent children or controlling institutions for children, gives large sums for their care. The legislature in the session of 1911 appropriated \$306,700.00 to non-sectarian institutions for dependent children. The State Board of Charities visits these institutions and bases its subsequent recommendations for state aid on such visits, but exercises no control over the expenditure of the money or the admission and discharge of children.

Originating in the humanitarian work of the church warden, the charity functions of the Pennsylvania county have developed specialized lines, many of which have passed from local control. The county, by local taxation, still supports in great measure the poor, the sick, the insane and defective but looks to the state for standardization of method and official supervision.

<sup>26</sup> *Report, Board of Public Charities* (1911), p. 252.



## ADMINISTRATION OF LOCAL TAXATION IN OHIO<sup>1</sup>

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The problem of reform in general property taxation—the problem of improved methods of assessment and of limitation upon the tax-rate—is a question which concerns principally the corporations of local self-government. The functions of assessment and primary equalization are performed almost universally by officials chosen by the electorates of these local districts; and the revenue from the tax on property constitutes the sole or chief important source of revenue for purposes of local government. Moreover in Ohio this revenue is now left almost entirely to the local communities; for the state levy, except for common schools, university and normal school purposes, has been omitted since 1902; and the proceeds from the levy for the common school fund—over twice the amount for the other two funds—are re-distributed among the local districts to be expended by the school boards. Therefore it falls properly within the field of a study of local government to examine the changes in tax administration that have been recently adopted in Ohio, and to indicate the present problems and the proposals for further reform which they have evoked.

The history of the general property tax in Ohio may be briefly sketched. From 1803, the year in which Ohio was admitted as a state, until 1825, the main source of revenue for state and local purposes was the land tax. This tax was levied only by the state, but a part of the revenue therefrom was appropriated by the state to the counties. In practice, the tax being paid into the county treasuries, the shares of the various counties were retained by them before the state's shares were paid into the state treasury. The work of assessment and collection of this tax was performed partly

<sup>1</sup> In the preparation of this article the writer has been indebted to Professor O. C. Lockhart, of Ohio State University, for many valuable suggestions and corrections. Assistance has been derived, in the historical statements, from Professor E. L. Bogart's "Financial History of Ohio" (vol. i of the University of Illinois Studies in the Social Sciences); and, in the explanation of the present tax system, from the second annual report (1911) of the Tax Commission of Ohio.

by specially appointed state officials and partly by county authorities. In 1825 the tax was applied to certain forms of personal property and was levied by the counties as well as by the state. The classes of personal property to which the tax applied were subsequently gradually extended. In 1846 the general property tax was established, with general levies by both state and local authorities, and has been levied regularly since then. As the financial needs of the state government expanded, special business taxes were introduced from time to time since the early sixties, and have constituted important sources of revenue since the nineties. Since 1903 these business taxes have produced the major portion of the state's income. For in the preceding year the state legislature omitted the state levy for general revenue. To make good this loss the special taxation of corporations was strengthened and extended. The "Cole Law" of 1902, consolidating and extending previous laws imposing excise taxation, provided for an annual excise tax of one per cent upon the gross earnings, from operations within the state, of steam, street, and interurban electric railways, and applied a similar tax to the gross receipts, from business done within the state, of other public service corporations enumerated in the act.<sup>2</sup> The gross receipts and earnings were ascertained by an *ex officio* state board upon the basis of reports made to the state auditor, and the tax, collected through the office of the state auditor, devoted exclusively to state purposes. The real estate and personal property of the corporations were left subject to the regular property taxation for state and local purposes.<sup>3</sup> By the "Willis Law" of 1902 a franchise tax was levied upon all domestic and foreign corporations, other than public utility corporations. For domestic corporations this tax is one-tenth of one per cent upon the

<sup>2</sup> The enumeration and definitions comprise the following: electric light, gas, natural gas, pipe line, waterworks, heating or cooling, water transportation, express, telegraph, telephone, messenger or signal, and union depot companies.

<sup>3</sup> In 1894, sleeping-car, freight-line and equipment companies were subjected to an excise tax of one per cent upon the value of the proportion of capital stock, representing capital and property owned in this state; this value being determined by the proportion of capital stock representing rolling stock, which the miles over which the company runs cars in this state bear to the entire number of such miles. This tax was assessed and collected through the same agency as for other public utilities, and the proceeds used exclusively for state purposes. Since 1893 foreign insurance companies have paid a tax of two and one-half per cent upon the gross amount of premiums on policies within this state, deducting the amount of returned premiums and considerations received for re-insurance. This tax is collected by the superintendent of insurance for the state treasury.



amount of subscribed, or issued and outstanding, capital stock, and for foreign corporations the same rate is assessed upon the proportion of their authorized capital represented by property and business in this state.

We may now briefly describe the administration of the general property tax as it was before the reforms of the last four years. Since 1861 real estate had been assessed decennially by assessors elected every tenth year for that purpose, by townships and wards. Changes in the assessment might be made annually, in connection with the assessment of personal property, in specified cases—chiefly in the case of real property which became subject to taxation, or new structures which were erected, or in the case of destruction of property, since the preceding decennial assessment. The decennial assessment was revised (for real estate outside of cities) by the decennial county board of equalization, composed of the county auditor, the three county commissioners, and the county surveyor. Equalization of this valuation among the several counties, cities and villages, was made by the decennial state board of equalization, composed of one member from each state senatorial district elected every tenth year; the state auditor was *ex officio* a member of the board. Personal property was—as it still is—assessed annually by biennially elected assessors, one for each election precinct in townships and one for every ward in municipalities which are divided into wards. Revision of this valuation for property outside of cities is made by the annual county board of equalization composed of the county auditor and county commissioners. Revision of assessments of both real and personal property in cities is made by city boards of review (created in 1901, in place of the former annual and decennial city boards) composed in each city of three freeholders of the city, appointed for five years by an *ex officio* board of state officers; the county auditor acts as secretary of each of these boards in his county.

For several decades prior to the recent reforms it had been felt that corporate wealth and other forms of intangible property were not sustaining their proportionate burden of taxation. It was sought, from time to time, to remedy this condition in two ways: by establishing special methods of assessment for the property of corporations, and by introducing special taxes upon the business of corporations. Special methods of assessment for cor-



porate property had been introduced through various laws. Thus the property of steam and interurban electric roads (except real estate not used in the daily operations of the roads) was assessed annually by boards composed of the auditors of the counties in which the companies owned tracks or roadway.<sup>4</sup> These amounts were equalized among the counties by an *ex officio* board of state officers. The resulting valuation was then apportioned among the counties through which the roads extended, on a basis fixed by law. Another *ex officio* state board determined the value of the property in Ohio of express, telegraph, and telephone companies, and after deducting the value of real estate in Ohio, apportioned the resulting valuation among the counties and other taxing districts, upon a basis defined by law.<sup>5</sup> In the case of every other incorporated company (except banks) the valuation of personal property and real estate necessary to the daily operations of the company was determined by the county auditor upon the basis of a detailed statement submitted by the officers of the company. The auditor, after adding the valuation of real estate and fixed property of the company, apportioned the total valuation among the respective taxing districts of the county upon a basis defined by law.

The evils of the system of assessment outlined above became more and more obvious in recent decades. They may be briefly summarized. First, there may be mentioned the complicated system for assessment and apportionment of corporate valuations. The property of public utilities and other corporations was valued by a variety of boards and apportioned upon a variety of bases. Secondly, there was the decennial appraisement of real estate. Throughout ten years real estate, which normally increased steadily in actual value, and with special rapidity in most cities and towns, remained at the same figure on the tax list. A third evil existed in connection with the assessment of personal property. The evil here was the almost universal tendency to undervaluation and concealment, and it has come to be regarded as hopeless to look for an effective cure for this evil as long as the system of assessment by locally selected assessors remains. These assessors owe their positions to the people from whom they are expected to secure full and

<sup>4</sup> This method was established for steam railroads in 1862, and for suburban and interurban electric roads in 1904.

<sup>5</sup> This board, created in 1893, was composed of the state treasurer, attorney-general and auditor.

true returns of personal property. Moreover, a consequence of the general undervaluation of property, resulting particularly from the infrequent assessment of real estate and from the inadequate assessment of personal property, was that the local authorities were compelled to increase the tax rates in order to obtain sufficient incomes to meet the growing expenditures of local government. This increase in the tax rate reacted again upon the tendency to undervaluation: property if returned at its true value could not have sustained the high tax rates.

We may restate the difficulties with special reference to their effect upon the local communities. These communities are faced with steadily expanding expenditures, on the one hand, and, on the other hand, with the difficulty of securing a true and just assessment of property as a basis for obtaining revenues to meet these expenditures. The remedies which have been proposed are as follows: a more frequent assessment of real estate; a limitation of the total tax rate in order to encourage full and correct returns of property; a single central tax commission to assess the property of public utilities and corporations, and to revise local assessments; publicity of local assessments; the separation of state and local revenue—in particular the abolishment of the state general property tax in order to leave that tax to the local communities and to remove the inequalities among the localities in their respective contributions to the state revenue; the abrogation of the constitutional requirement of uniformity, in order to permit the classification of property for the purposes of taxation; the substitution of appointive for elective assessors, in order to remove these officials from local political responsibility.

To consider these conditions in the tax system and to recommend measures of reform a special commission was appointed in 1906. This commission, reporting in 1908, made the following specific recommendations: First, that the section of the constitution (art. 12, sec. 2) requiring the taxation "by a uniform rule, [of] all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and also all real and personal property according to its true value in money," be so amended as, first, to give the legislature freedom in taxing franchises, stocks, bonds, mortgages, and other forms of intangible property; and, secondly, to rescind the requirement of uniformity, thus enabling the legis-



lature to classify property for purposes of taxation. Secondly, the establishment of a state board of three members to be appointed by the governor; this board to administer the laws for the assessment and collection of state revenues, and to make recommendations from time to time upon the general subject of taxation. Thirdly, a more frequent appraisalment of real estate. Fourthly, the abolishment of the state levy upon real and personal property, and the complete separation of state and local revenue. Fifthly, authority to be given to local communities to secure publicity in taxation in such manner as they shall deem best.

We may now consider the laws that have been enacted to accomplish certain of these reforms. First, a law providing for quadrennial appraisalment of real estate, and making minor changes in the method of selecting assessors of real estate, was enacted in 1909. Under this law assessors of real estate outside of cities are elected quadrennially, one for each township and village. In cities, assessment of real estate is made by boards of three, or five, members quadrennially elected at large for each city on independent non-partisan ballots. The appraisalment of 1910 was made under this law. For the cities the change produced improved results, the election of assessors at large having eliminated competition in undervaluation between representatives of different sections of the city. But outside of cities, the assessment being still made by assessors elected by townships and villages, no lessening of the tendency to inequality and undervaluation was observed. Moreover, the revision of the appraisalment in villages and townships being made by county officers (no change having been made in the county board of equalization) in the early part of a year in which the county elections occur, their work of equalization is liable to be subject to the influence of the desire on the part of these officers for re-election. It has, therefore, been suggested that if this method of assessment and equalization be continued the work should fall in a year when the county officers concerned are not to be elected.

Secondly, an act setting definite limitations to the tax rate was passed in 1910, and amended in 1911. In the first place, the maximum aggregate of taxes which may be levied in any taxing district for all purposes, exclusive of levies for sinking fund and interest purposes, may not in any one year exceed ten mills. From this limitation and from the name of the author of the bill this act



is known as the "Smith One Per Cent Law." In the second place, taking the total amount of taxes levied in 1910 as a basis, the maximum amount of taxes that may be raised in any succeeding year must bear a fixed relation to that basis as follows: the maximum amount raised in 1911 shall not exceed that basis; the amount for 1912 shall not exceed that basis by more than six per cent; for 1913, by more than nine per cent; and for any year thereafter, by more than twelve per cent. Here the levies for interest and sinking fund purposes, and for emergencies, are not included. In the third place, by vote of the people, the rate may be increased to a maximum for all purposes of fifteen mills; and in this case the successive limits as to amounts that may be raised in relation to the 1910 basis do not apply. Finally, within the aggregate limits, the different taxing districts are specifically limited, in order to prevent any one district from consuming more than its proper share of the total amount available. These "interior limitations" are as follows: the county taxing authority may not exceed three mills for county purposes; municipal corporations may not exceed five mills for city or village purposes; the township, two mills; and for local school purposes, the rate shall not exceed five mills. "Such limits for county, township, municipal and school levies shall be exclusive of any special levy, provided for by vote of the electors, special assessments, levies for road taxes that may be worked out by the taxpayers, and levies and assessments in special districts created for road or ditch improvements." A budget commission is established by the act<sup>6</sup> to adjust annually these limitations among the various districts. This commission is composed of the county auditor, the mayor of the largest municipality in the county, and the prosecuting attorney of the county. The taxing authority of each district submits to the auditor an annual budget setting forth in itemized form the estimates of money needed for the ensuing year, with other facts as to the state of the several funds, annual expenditures from each fund for the last five years, amount of money received from other sources during those years, with estimate of probable amount to be received during the ensuing year from such sources, state of the bonded debt, and such other information as the budget commission may require. The auditor lays these budgets before the commission, with his estimate of the amount of money to be raised for state purposes in each

<sup>6</sup> As amended in 1911.

taxing district. The commission then examine the budgets and the auditor's estimate, and if they find that the total amount proposed to be raised in any tax district, for state, county, township, village and school district purposes, exceeds the authorized amount for that district, they must adjust the various amounts to be raised so that the total shall not exceed in any district the sum authorized to be raised therein. In making this adjustment they may reduce any or all items in any budget, but may not increase the total or any item; they must reduce the estimates in any budget by such amounts as will bring the total for each district within the limit provided by law.

The third reform is embodied in an act of 1910 (amended in 1911) creating the permanent state tax commission. This commission is composed of three members appointed by the governor for terms of three (now six) years. In this body, in the first place, is consolidated the work of assessing the property of public utilities, a work formerly performed by the *ex officio* boards of county auditors for assessing the property of railways, and the *ex officio* state board for assessing the property of express, telegraph, and telephone companies, these boards being now abolished; and the work of assessing the property of other public utilities is transferred from the county auditor to the state commission. In the second place, the assessment and collection of the excise taxes upon public utilities, and of the franchise tax upon corporations, is transferred to this commission.<sup>7</sup> In the third place, the task of central equalization is put upon this commission, the elective state board of equalization for real property and the other *ex officio* state boards of equalization being also abolished. In its work in connection with the assessment and taxation of public utilities the commission is vested with effectual powers of investigation and prosecution, and for its work of equalization it possesses extensive powers of correcting errors, inequalities, and omissions in local assessments; for this latter purpose it has power not only to equalize the work of the several assessing districts but it may increase or decrease the aggregate in each

<sup>7</sup> The law established differentiation in the rates of excise tax paid by these utilities, by substituting for the uniform rate formerly applying to all, the following rates: for railroad and pipe line companies, 4 per cent; for express and telegraph companies, 2 per cent; for the other companies, 1.2 per cent. It also increased the franchise tax upon corporations from  $\frac{1}{10}$  to  $\frac{3}{10}$  of 1 per cent.

The tax on foreign insurance companies is still administered by the superintendent of insurance.



district or of any class of real property separately assessed and listed, and may order reassessment in any district. Finally, the commission is required to recommend to the governor and general assembly such changes as in its opinion should be made in the tax laws of the state.

The state tax commission has performed effective work in all spheres of its duties and its services have demonstrated beyond question the value of such a central agency, with respect to its work both in supervising local equalization and in securing returns from public utilities. In 1911, in the revision of local appraisement, it ordered re-appraisement in certain villages and townships; it required the re-convening of several quadrennial county boards of equalization and city boards of review in order to compel them to complete the work of equalization of real estate within their respective jurisdictions; in several cases it ordered the re-convening of budget commissions in order to compel them to adjust levies found to be in excess of the legal limits; it summoned county auditors and members of city boards of equalization in small groups, and discussed with them the assessments in their respective districts; and it sent experts into many counties to make investigations. In its work of assessing the property of corporations it has secured reports from a large number of corporations which have previously failed to make returns, and has obtained fuller and truer returns from those that have previously reported, so that the total revenue from corporations has increased substantially. Moreover, it has been diligently engaged in the study of the subject of tax administration and has in each of its three reports made general and specific recommendations for reform.

Experience under the Smith One Per Cent law has been too short to have established concordant conclusions, on the part of those chiefly concerned with its enforcement, as to the final value of the different limitations imposed by the act. The utility of the law is estimated according to its efficiency in securing full returns of property—of intangible property in particular, and in impelling local spending authorities to economy. The tax duplicates show that under the operation of the law valuations have been materially increased, but that this increase has been much greater for real estate than for personal property. This divergence between real and personal property is explained partly by the fact that personal



property in the form of money could not be increased and that investments in state, county, and municipal bonds could not be listed, and partly by the fact that taxpayers generally have not come to realize that the taxing and spending authorities are limited in such a way that the aggregate amount which the law allows to be raised is substantially the same as formerly; the taxpayers have therefore continued to fear that fuller returns would mean greater tax payments. The feeling is very general, however, that no permanent remedy for the defective appraisal of personal property can be obtained until the machinery for primary assessment of personal property has been reconstructed. Figures have been compiled which show that the proportion of tax burden borne by intangible property has actually decreased under the Smith law; the valuation of tangible property has increased by 166 per cent while that of intangible property has increased by only 66 per cent.

On the other hand complaints have come from various districts against the stringency of the limitations of the act. Representations have been made that under these limitations the urgent needs of schools and of county and city governments cannot be adequately provided for in many cases. Complaints have been directed specifically against the provisions limiting the aggregate amount that may be raised in the several districts to the amounts respectively raised in 1910 plus the small increases defined by the law. Complaints from the cities have been most in evidence. The larger cities in particular make objection to the composition and power of the budget commission. They argue that it is unreasonable that in counties where taxes are collected mainly from urban property-holders, revision of city budgets should be in the power of a commission, two of the three members of which are county officials. Mayors have felt particularly aggrieved in cases where the vote of the two county members has compelled reductions in specific appropriations of the budget of a mayor's own city, against his negative vote.

The State League of Municipalities has put forward definite proposals for change in the law so that cities may be given freer rein in taxation. Their proposals are embodied in a bill introduced by Senator Greenlund, of Cleveland.<sup>8</sup> This bill would make im-

<sup>8</sup> Where reference is made in this article to bills under consideration in the legislature in its present session (1913), reference is made with respect to the stage of consideration reached by March 24th.

portant changes in the Smith law. In the first place the levy for state purposes would not be included in the ten-mill limit. Secondly, the method of procedure for increasing the levy beyond ten mills would be so changed as to remove the positive requirement for popular ratification of the increase and to provide instead merely for popular veto as follows: in case the taxing body should decide that an increase beyond ten mills is necessary and should provide therefor by resolution, this increase would become effective thirty days after passage, unless a referendum petition signed by ten per cent of the voters should be filed within that time; the increase would then depend upon the vote of a majority of those voting upon the proposition at the polls. Thirdly, the 1910 limitation upon the total amount to be raised would be eliminated, no limitation of this character being retained. Fourthly, the personnel of the budget commission would be changed in those counties in which the amount of taxable property in cities and villages exceeds the amount of taxable property outside of cities and villages; in such counties the commission would consist of the county auditor, mayor of the largest city and solicitor of the largest city (instead of prosecuting attorney). Finally, limitations would be placed upon the power of the budget commission in altering the budget of a taxing district where alteration is necessary in order to bring the total amount of taxes to be raised in such district within the authorized limit. Under the law as it stands the commission in making such adjustment "may reduce any or all the items in any such budget." Under the proposed change the commission would have power only to fix the total amount which may be raised by any taxing district; they would have no power to revise any item of the budget.

These proposed changes are being opposed by the state tax commission. The chairman of the commission has prepared a table of figures showing that the cities are not at present cramped by the 1910 limitation. According to this table only four cities are now levying as much as is allowed under the 1910 limitation plus the additional percentage authorized by law. The chairman further points out that only a few cities are levying as much as the five-mill maximum for cities. He urges that by proper efforts to increase the tax duplicate through obtaining full returns of property, and by reducing debts in order to reduce the large amounts now being paid for interest and sinking fund charges in the large cities, revenues



entirely adequate to the needs of cities can be obtained within the present limitations of the law.

Further amendment to the Smith law has been initiated by the supporters of the limitations in their strictest form, in order to make clear the meaning of the fifteen-mill maximum which may be levied by a popular vote. The law, as amended in 1911, in defining this maximum, says that "in no case shall the combined maximum rate for all taxes levied in any year in any county, city, village, school district or other taxing district . . . exceed fifteen mills." This limit has generally been understood by taxing authorities to include levies for sinking fund and interest. However, a decision of the state supreme court rendered in January interprets the provision otherwise. The court holds, in effect, that by vote of the people the rate is not only optional as between ten mills and fifteen mills, but may be made as much higher as necessary for indebtedness incurred before the passage of the act or, by vote of the people, incurred since that time. In the eyes of the tax commission and other defenders of the Smith law, this interpretation nullifies the intent of the law and seriously impairs its effectiveness as a check to extravagant expenditure by local authorities. Under this interpretation the budget commission might authorize a levy of ten mills wholly for general expenses; an additional levy of five mills for general expenses might then be added by vote of the people; and then beyond this a levy for interest and sinking fund might be made to any amount. Governor Cox, in a special message to the legislature, declared that this interpretation, however sound, "vitiates the basic principle of the law." In response to these representations a measure has been passed by the legislature so as to fix the maximum levy for all purposes, expressly including interest and sinking fund, at fifteen mills. Attorney-General Hogan, Mayor Baker of Cleveland, and others hold that a limitation in this absolute form renders the law unconstitutional, as it seeks to take from the taxing district the power to provide for its lawfully-created obligations. The several taxing districts being empowered by law to incur indebtedness up to certain limits (defined by certain percentages of the respective assessed valuations of property), the legislature cannot render a law constitutional which seeks to deprive such districts of the power to make provision for their necessary general expenses and, beyond that, make provision to pay



their obligations regularly incurred within their respective debt-limits.

The recommendations that have been urged for publicity, for the separation of state and local taxation, for the abolishment of the rule of uniformity, and for the substitution of centrally appointed for elective assessors, have not yet been enacted into law; though a bill embodying the last-mentioned reform is now pending in the state legislature, and has, with respect to its principal features, the backing of the state administration.

The essential disadvantage of the general property tax for state purposes consists in the fact that this tax is collected upon the same assessments which the local communities make as a basis for their own revenue. Consequently there exists a tendency with each local appraising authority to keep its assessment as low as local needs allow in order that its share in the contribution to the state revenue may be kept relatively low—as compared with what other local communities are paying. To prevent this competition there have been repeated demands for the abolition of the state levy on property. In response to this demand, voiced in the recommendation of Governor Nash in 1902, the legislature of that year omitted the state levy of 1.35 mills for general revenue purposes, retaining the levy only for sinking fund, common school, and university and normal school purposes. Before the change went into effect approximately one-half of the total revenue of the state was derived from the general property tax. Since the change this tax has produced about one-fourth of the total revenue. The proportion remains at approximately that point now, notwithstanding the fact, that, following the tax limit act of 1911, the state levy has been reduced to .451 of a mill. However, it is by no means certain that this approximate withdrawal by the state from participation in the general property tax is to be permanent. Bills have been introduced in the present legislature such as make it evident that it is not alone the local authorities which are making attack upon the restrictions of the Smith law. A bill has passed the lower house providing for a state levy of one-half mill to provide a fund for inter-county and market roads. This tax would be levied annually for ten years; part of the proceeds would be apportioned equally among the counties of the state, and part would be expended directly by the state highway department on a system of state market roads.

The bill specifically excludes this levy from the limitations of the Smith act.

The amount lost to the general revenue by the omission of the general levy after 1902 was provided by the new excise and franchise taxes of 1902, described above. As already stated the temporary commission of 1908 recommended the total abolition of the state levy. The present permanent commission advocates the same thing. This body points out that the money raised from the common school levy is reapportioned among the counties upon the basis of enumerated school youth in each county and that as a result of this method of apportionment some counties receive from this fund more, others less, than they contribute thereto. It therefore advises that the state levy for this purpose be abolished and that the local districts be then allowed to increase their school levies by the present state rate. Should the fund for school purposes prove insufficient in certain districts the state could appropriate from its general fund on some fair basis. The commission further suggests that the amount for the other two funds could be provided from the general state revenue; if the revenue should prove inadequate for this, the balance could be obtained "by apportioning the same among the counties according to the total revenue raised in in each." This would afford a new incentive to economy on the part of local authorities.

There have been several attempts to modify the provision of the constitution of 1851 requiring the taxation of all forms of real and personal property by uniform rule, and to make it possible for the legislature to levy different rates upon different classes of property. It has been felt that the failure of the general property tax has been due largely to the difficulty of securing a correct assessment of personal property, in particular of intangible property, and that if different rates could be levied on particular classes of such property fairer returns might be obtained. As mentioned above the commission of 1908 recommended this change; they prepared an amendment to the constitution authorizing the legislature to "classify the subjects of taxation so far as their differences justified the same in order to secure a just return from each." This proposed amendment, submitted at the November election in 1908, received a favorable vote, of those voting on the amendment, of over three to one,<sup>9</sup> but failed of adoption because of the constitutional require-

<sup>9</sup> For, 339,747; against, 95,867.



ment, as it then existed, of an affirmative vote of a majority of electors voting at such election. The affirmative vote received represented slightly over twenty-five per cent of the total vote cast at the election. The movement for a constitutional convention, for general revision of the constitution, originated, at least partly, in the persistent desire on the part of many interested in tax reform, for abrogation of the rule of uniformity; their demand at all events lent support to the movement, and the liberal favorable vote, at the election of 1910, on the proposition for calling this convention, was interpreted in some quarters as popular approval of the projected change in the rule of uniformity. Nothing, however, was accomplished by the convention in this particular matter. The present tax commission has consistently opposed the change, and threw its influence in the convention against the proposal. There also developed a fear in the minds of persons within and without the convention that advocates of the single tax would be first to make efforts to take advantage of the change. This fear is reflected in one of the amendments proposed by the convention and adopted at the polls, specifically excluding the use of the initiative and referendum to enact laws authorizing the classification of property for the purposes of taxation or the levying of any discriminatory tax on land.<sup>10</sup>

Several bills making radical alteration in the machinery of assessment have been introduced into the legislature in its present session. These bills, while varying in many features, agree in substituting centrally-appointed for locally-elected assessors, and in placing upon them the duty of assessing annually both real and personal property. They provide that each county shall constitute an assessment district, and that the assessing authority for each district shall be appointed by the governor.

<sup>10</sup> The amendment is as follows (Art. ii; sec. 1 e): "The powers defined herein as the 'initiative' and 'referendum' shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property." Other amendments proposed by the convention, and adopted by the voters, authorize specifically the enactment of laws providing for inheritance taxes (uniform or graduated, direct and collateral—with differentiation of rates between the two forms), and for income taxes (uniform or graduated), and require that not less than 50 per cent of the revenue that may be derived from income and inheritance taxes shall be returned to the city, village, or township in which the taxes originate. The amendments further specifically authorize excise and franchise taxation, and taxation of the products of minerals.



In conclusion, it may be suggested that the root of the evil of tax administration has not yet been attacked. Limitation upon tax rate may in time bring about somewhat truer returns of forms of property that have hitherto, in many cases, been concealed or undervalued, and may drive local spending authorities to somewhat more careful economy. Central coordination in the assessment of public utilities may secure valuation of certain forms of corporate property in such manner as to dislodge holders of such property from the advantageous position which they have occupied with respect to tax payments. Central supervision of local appraisalment and equalization may create a nearer approach to equality of burden among the different communities. Central appointment of local assessors may provide a more efficient body of assessors and relieve them from the fear of local disfavor in the performance of their complicated tasks. But the principal obstacle to just and adequate administration of taxation seems to lie in the constitutional requirement of uniformity. As long as that requirement remains there appears to be no valid hope that a method may be discovered whereby the disproportion in the taxes paid by holders of different forms of property may be successfully removed.

*Supplementary Note.*—Since this article was written the legislature of Ohio has finally enacted into law several of the proposed changes in tax administration discussed above. The more important changes are as follows:

The 1910 limitation, upon the amount of taxes that may be raised, has been removed from the Smith One Per Cent law; and the composition of the county budget commissions has been modified so as to provide that in counties where the total assessed valuation of property within cities and villages exceeds that outside of cities and villages, the city solicitor of the largest city shall be the third member of the commission (with the mayor and the county auditor), and that in other counties the third member shall be the president of the school board of the school district comprising the largest municipality of the county.

The bill providing for appointive assessors has been passed. Each county will constitute an assessment district; in each county of more than 65,000 population there will be two district assessors, in all other counties there will be one district assessor; these

officers will be appointed by the governor and will be removable by the state tax commission with the consent of the governor; they are to assess annually both real and personal property, under the supervision of the state tax commission. For each county there will be a board of complaints composed of three members not more than two of whom shall be of the same political party; they are to be appointed by the state tax commission for overlapping terms of three years, and will be removable by the state commission, with consent of the governor; they are to hear and determine complaints relating to the assessment of both real and personal property; appeal from their decisions may be taken to the state tax commission. The elective township and ward assessors of personal property, the quadrennial appraisers of real estate, and the county and city boards of equalization and review are abolished by the act.

The bill providing for the state levy of one-half mill, which is to be outside of the Smith One Per Cent limit for improved highways was passed.

A proposed constitutional amendment exempting the bonds of all political divisions of the state from taxation was adopted for submission at the election in November of this year. Such bonds were exempted by constitutional amendment adopted in 1905; but this exemption was removed by one of the amendments adopted in 1912. (April 21, 1913.)

# COUNTY BUDGETS: ECONOMY AND EFFICIENCY IN EXPENDITURES

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"People seldom improve when they have no model but themselves to copy." This simple truth helps explain the bad financial situation existing in many of our three thousand counties. Counties have not been able to compare themselves with other counties in their own state or with more distant counties in other states. Such a comparison would have led to progress. In this article I shall point out some existing defects in county finances and in county accounting, and the progress which is being made in curing those defects. And in conclusion I shall attempt to formulate the principles which must be found in any ideal system of economy and efficiency in county budgetary matters.

## I. PRESENT SITUATION BAD

### 1. *In County Finances*

In making some inquiries recently concerning county expenditures for bridges, I found that two adjoining counties had bought steel bridges of the same size and style and of the same company, and at about the same time. One county paid at the rate of twenty-one dollars per running foot; the other at the rate of forty-two dollars, or exactly twice as much. This case is believed to be typical of the lax methods of buying supplies for county purposes.

The practice of piling up a big floating debt is another evil all too common. This is done in spite of the fact that the constitution of the state usually places definite limits to the county tax levy.

Governor Johnson of Minnesota in his message of January 9, 1907, and Governor Dawson of West Virginia in his message of January 8, 1907, both pointed out this evil in their states. Governors' messages and state statutes everywhere show the prevalence of the practice. These documents form an echo of the old, old story of our county government: there is the constitutional debt and tax levy limit; the county spends more than this limit; warrants are



issued and stamped unpaid for want of funds; the county piles up a big floating debt; then the county is either permitted to fund the debt and issue bonds in excess of the bond limit, or to effect a compromise and scale down the debt—a quasi repudiation of part of the debt. In the early '70's and '80's Kansas was one of the conspicuous offenders in this debt-making, debt-scaling process. That this state has not wholly lost appetite for this discreditable practice would seem evident from a recent statute (*Laws of 1907*, ch. 137) providing that cities of the first and second classes may *compromise* and refund outstanding indebtedness. Constitutional limitations and legislative control have proved inadequate. Central administrative control is essential to sound financing.

Counties deposit their cash balances in banks. In some cases interest is paid to the county; in most cases, however, judging from replies from the various states, no interest reaches the county treasury.

Among the other common shortcomings of county financial administration are the following:

1. Expensive junkets by county boards to inspect county buildings in distant states. Expert advice on county improvements is now available in a much better and cheaper form.

2. Exercise of unauthorized powers, such as the abatement of taxes.

3. County charges not strictly construed. Often claims are paid which are not authorized by the express provisions of the law. Everything from cigars and fountain pens to banquets is found under this charge.

4. Inadequate audit or no audit at all. In many cases where the law provides for an audit of bills, the statute is weak and a perfunctory audit is the result.

5. Additional compensation, under various guises. Various county officers augment their legal compensation by putting in claims for extra work, for extra clerk hire, for materials and supplies bought, and by various other devices.

6. Temporary loans. In some cases bonded debts are created for current expenses.

7. Fees. Fees are often wrongfully kept or applied. In some instances the public has no knowledge of the officer's compensation since he keeps the fees and makes no accounting.

8. Defective county organization. Too many co-ordinate elective officials, with no centralization of financial powers, and no administrative headship.

The county has been our most neglected unit of government. Too much politics and too little business has been the situation. Inefficient personnel has been the rule. Tenure of office is short. Merit is not rewarded. The county office is a blind alley, leading nowhere. Hence the lax methods; the losses in buying materials and constructing permanent improvements.

Underlying all these evils is the evil of bad accounting.

## 2. *Situation in County Accounting*

"A statistical jungle" is the name applied by Mr. Chas. F. Gettemy to the town and city finances of Massachusetts. This phrase might well be applied to county accounting in most of the American states. Some evidence on this point will make the matter clear.

For instance we read in the auditors' report for New Castle county, Delaware, for 1912, these typical statements:

"We wish to state that in our opinion there is urgent need for necessary legislation to permit the county to adopt some comprehensive system of bookkeeping; a system that would centralize the accounts of the various offices in one place, where the condition of the county's affairs could be readily ascertained. . . . As will be seen by the statement of bonded indebtedness, \$695,000 of borrowed money has been invested in highway improvements. There are no books to show what the county owns for the expenditure of this sum.

"We cannot find any explanation of the item 'Unappropriated Funds' which appears in the comptroller's statement amounting to \$166,854.84."

This same report contains a statement of taxes, for various purposes, such as, for instance, "Poor Tax . . . \$1,018.69<sup>7</sup>/<sub>11</sub>." These fractional cents are carried out punctiliously through several columns of figures. This nice regard for petty details and jaunty disregard for big and essential things is one of the most universal defects in county accounting.

Mobile county, Alabama, for instance, tells us how much the county expended for "fresh meat" for paupers, but not how many

paupers were fed or what the per capita cost of poor relief is, or how much is spent for the construction and how much for the maintenance of good roads, or how much for education.

Dane county, Wisconsin, issues a 200-page pamphlet entitled "Proceedings of the Board of Supervisors," which contains, besides the proceedings, the abstract of the assessment of each town (township) in the county, a comparative statement for four years of the assessed value of each town, village and city in the county, detailed statistics of all the principal crops for each town, the annual report of the commissioners of the poor, and, finally, good illustrations showing the county's poor farm and buildings. While this booklet is in most respects an ideal publication for the county—in fact a model for other counties to copy—yet from the standpoint of county finances, it has one serious defect: It contains no summary of county finances. And this is exactly the question of first importance to the county and to the taxpayer, into whose hands this booklet comes.

Dozens of similar pamphlets might be cited, notably those from the counties of Los Angeles, Denver, Kings (Washington), etc., all excellent in most ways, yet deficient in their method of reporting county finances. Some omit the inventory of county property. Some omit statistics of the preceding year, so that no comparison of the two years can be made. Few attempt to print a county budget. The exception to this is Erie county, New York, which prints the proceedings of the board of supervisors, and a complete, detailed budget for the current year and the estimated budget for the coming year. Few show the debt transactions for the year. Very few have solved the problem of classifying receipts and expenditures. And very few counties use the same form of reports.

Enough has been said to indicate the great diversity of methods in keeping and reporting county accounts. Uniform county accounting would seem to appeal to every man as the best method. Yet I find a difference of opinion here among county treasurers and county auditing officers.

One county treasurer in Wisconsin writes, "Every county ought to have the right to dictate its own way of accounting." A county clerk in Virginia takes exactly the opposite view.

Uniform accounting is one test that measures efficiency in county government. It is refreshing to note the great progress already made and now being made in securing this improvement in various states of the Union.



## II. PROGRESS MADE

It will be impossible, within the limits of this article, to summarize all the laws on uniform county accounting in the United States. The four most important ones only are given in detail; the others are briefly mentioned.

Ohio's law is undoubtedly the best, with those of Massachusetts, New York, and Indiana as close rivals. Ohio's law has now been in successful operation for ten years. During that time the aggregate findings of the state examiners of illegal fees and unauthorized payments from county treasuries amount to over two million dollars, of which amount about one-half has been restored to the public funds.

The Ohio law was enacted in 1902 (95 Ohio, p. 511) and has since been amended (sections 274-289 General Code of Ohio), strengthening it along certain administrative lines. This act creates a Bureau of Inspection and Supervision of Public Offices, and makes provision for a uniform system of public accounting, auditing, and reporting in every public office in the state. An efficient corps of field agents, known as state examiners, employed on a civil service basis, make personal examinations in the various taxing districts. Uniform accounting is prescribed for all offices of the same grade and accounts of the same class. The findings are published. The enforcement of the law, in case money is due the county is left first to the county prosecuting officer, and then, if he refuse or neglect to act, to the attorney-general of the state.

STATEMENT OF FINDINGS TO NOVEMBER 15, 1912  
*Counties*

Year.	Findings for Recovery.	Illegal Payments.	Unclaimed Moneys.	Total Illegal.	Returns.
1903.....	\$50,268.03	\$18,808.91	\$807.82	\$69,884.76	\$10,741.93
1904.....	57,805.54	2,504.41	10,339.95	70,649.90	2,222.31
1905.....	246,280.58	7,421.87	25,389.52	279,091.97	24,847.83
1906.....	295,082.80	14,227.52	5,218.21	314,528.53	232,156.78
1907.....	646,397.50	115,906.91	18,049.13	780,353.54	322,911.08
1908.....	103,764.26	43,335.31	9,829.15	156,928.92	41,171.53
1909.....	410,282.51	320,137.17	23,219.42	753,639.10	66,219.91
1910.....	146,024.04	106,410.00	22,241.18	274,675.22	24,438.36
1911.....	233,547.24	129,007.02	7,921.90	370,476.16	37,735.34
1912.....	112,926.80	No report	118.26	113,045.06	96,015.16
Totals.....	\$2,302,379.30	\$757,759.32	\$123,134.54	\$3,183,273.16	\$858,460.23

"It cannot be successfully refuted," says the chief inspector, "that the public service suffers more loss from incompetent officials than from dishonest ones."

The efficient work of the bureau is shown by the table on page 203.

Contrary to general impressions, the county losses are of far greater importance than those of any other taxing district, or than those of all other taxing districts combined. The following table shows that at least sixty per cent of the leakages occur in the counties:

STATEMENT OF FINDINGS TO NOVEMBER 15, 1912

	Findings for Recovery	Unclaimed Money	Returns
County.....	\$2,302,379.30	\$123,134.54	\$858,460.23
City.....	964,101.17	.....	44,766.32
Village.....	147,622.50	.....	6,511.11
School districts.....	158,985.49	72.42	16,729.00
Township.....	164,682.79	8,367.78	14,760.52
Justice of the peace.....	414.05	.....	143.70
Totals.....	\$3,738,185.30	\$131,574.74	\$941,370.88

The amount restored to the public treasuries greatly exceeds the "Returns" stated above, for the reason that the law does not require a report on such restitutions. But here, as elsewhere, prevention is better than cure, and the errors and peculations prevented by this law are beyond our powers of computation.

New York's law (1905, ch. 705) requires counties, villages and cities to report annually to the state comptroller on a form prescribed by him. He publishes an annual summary. The field examiners are on a civil service basis. Prior to the passage of this law the county accounts were audited only by a committee in the county. These examinations were perfunctory; indeed, recent examinations prove they were only an expression of good faith in the official whose record was examined.

The report for 1910 shows that, for the ten counties examined, the moneys "improperly and illegally expended" amounted to \$111,437.39, or 5 per cent of the total expenditures. One county showed 16 per cent.

The comptroller's report goes to each county. It contains specific, detailed, and circumstantial criticisms of county shortcomings. Concerning one county we find this criticism (in the 1912 report):

"A committee was obtained by the board of supervisors to investigate the findings of this examination. Subsequently there was restored to the treasury of Steuben county in the neighborhood of \$20,000, \$7,500 of which was restored by the former superintendent of poor."

The New York report also contains tables of comparative statistics noteworthy for their excellent classification of receipts and expenditures. County receipts are given under these nine heads: (1) balance on hand; (2) taxes; (3) from the state; (4) from municipalities; (5) fees and receipts from county officers; (6) temporary loans; (7) sale of bonds; (8) trust funds; (9) miscellaneous. County expenditures are grouped under these seventeen headings: (1) administrative (salaries, including the sheriff, elections); (2) legislative; (3) judicial (courts, judges, including constables); (4) regulative (fish, game, quarantine); (5) educational; (6) defensive (military); (7) penal; (8) curative (defective); (9) charitable (poor); (10) protective (maintenance of county buildings and grounds); (11) constructive (purchase of lands and buildings); (12) good roads (construction); (13) highways (maintenance); (14) general (temporary loans, bonded debt, refunds, etc.); (15) trust funds; (16) transfers; (17) miscellaneous.

These comparative statistics have one serious defect for purpose of comparison: they do not give us the units of comparison, except the population of counties. "Construction of good roads" means little unless we know how much road was constructed. The cost of poor relief means nothing unless we know how many poor were cared for. And so on through the list. Actual comparison is impossible.

In Massachusetts, as in the other New England states, the county is a very unimportant unit of government. Hence any good work done there in county accounting has been largely neglected or ignored by the other states. In 1887 Massachusetts created the office of Controller of County Accounts. An annual report of about forty pages is published, containing tabulations, but no comments, criticisms, or suggestions. Hence it is inferior to the New York report. It does show, however, the county treasurers depositing county



funds with interest and without interest. The county debt is also given. But no debt transactions for the year are reported, and no inventories. And there are no units for comparison given, not even population. Hence these "comparative statistics" have only a small value.

The very efficient Massachusetts Bureau of Statistics, supervising town and city finances, uses the following classification which may easily be adapted to county reporting:

Receipts.	Payments.
I. Revenue. 1. General. Taxes. Etc. 2. Commercial. Special assessment privileges (franchises). Interest. Etc. II. Non-Revenue. 1. Offset to Outlays (sales of real estate, insurance for property destroyed, etc.). 2. Municipal Indebtedness. Loans. 3. From Sinking Fund. 4. Agency, Trust and Investment Transactions.	I. Maintenance. II. Interest. III. Outlays (for any visible increase in assets). IV. Municipal Indebtedness. V. To Sinking Fund VI. Agency, Trust and Investment Transactions.

This scheme offers both a good classification and a proper differentiation between maintenance, outlay, and other expenditures.

Indiana, like Ohio, has gone into the science and art of uniform accounting very seriously and very effectively. The Indiana law (1909, ch. 55, amended March 3, 1911) creates a Department of Inspection and Supervision of Public Offices having jurisdiction over every public office in the state. The administration of the law was entrusted at the outset to one state examiner, two deputies, one clerk, and fifty-two field agents working on a civil service basis. Uniform accounting is prescribed and installed. Comparative statistics are compiled by the state examiner and published annually, so that the fruits of this department are available to the public.

The workings of this law have been similar to those in New

York and Ohio. Passing over the findings in townships, school districts, and cities, we find reports like the following from counties:

"And in another instance [of shortage] a county treasurer at the close of his term claimed the county was indebted to him, and the commissioners allowed his claim of \$4,900. The report of our examination of his official records revealed the fact that he was actually short \$5,100 at the close of his term, and should not have received the amount of his claim, the payment of which made him indebted to the county in the sum of \$10,000. Suit was brought in behalf of the county to recover the funds. The \$5,100 was paid by his bondsmen, the remainder lost to the county. This discrepancy was due in great measure to poor methods of accounting."

"There was an admitted shortage of \$66,000 in another county. . . . In another county the records show the disbursement of \$425 for fountain pens during a period of four years."

The field work of the Indiana bureau is of inestimable value to the state. The published report, however, has the defect common to all other reports, namely, no standardized units of comparison.

Attention must now be given to states which have made progress in (1) state examination and supervision of local accounting; (2) in uniform accounting; or (3) in both.

Wyoming (constitution, 1890) provided for a state examiner. By statute he now supervises state and local accounting and banks, but does not prescribe uniform accounting, or publish his findings. According to Wyoming authorities, "The examination of public accounts is technical and embraces the checking of every item whether great or small, the subsequent footing of the cash accounts and finally their summation. Every account paid is closely examined, the nature of the expense ascertained, and the legality of the bill inquired into, and the amount is finally checked to the stub of the warrant issued and also entered in the proper column of the expense register. Whether or not the officer conducted his office in conformity with the statute is also made a subject of inquiry." Here we have outlined an ideal plan of audit.

North Dakota (*Laws of 1893*, ch. 95; 1907, ch. 232; 1911, ch. 62) provided a state examiner to supervise and inspect financial accounts of all state and county officers, and "to prescribe and enforce correct methods." He has not, however, prescribed any methods. Another state board ("Board of Control" of penal and

charitable institutions) has power to prescribe uniform accounting for these institutions, but has not exercised this power. Another statute gives the state auditor power to install a uniform system of accounting in state institutions, and finally the state tax commissioner is empowered to formulate a uniform accounting system. The state does not yet have uniform accounting. This state and Wyoming both have good state supervision, but no publication of results and no uniform accounting.

Kansas (*Laws of 1895*, ch. 247; 1911) has now provided for the gradual installation by the state tax commissioner of a uniform system of accounting for counties, townships, and school districts.

Georgia (1902, p. 57; amended, *Code 1910*, pp. 416, 417, 418) provided that counties might employ expert accountants, and that certain counties might have auditors.

Iowa (1902, ch. 23; 1907, ch. 24) required the county auditor to make a financial report in pamphlet form, and the state auditor, under the new law, prescribed uniform accounting for county treasurers, auditors, clerks of district courts, and also for cities and towns (villages). A volume of comparative statistics is published.

Nevada (1903, chs. 78, 123) provided for an annual county report to the state comptroller on a prescribed form; for supervision of local accounts by a state examiner; and for the preparation of an annual county budget.

Florida (1903, chs. 14, 71) directed the state auditor to prescribe forms of accounts for counties.

Tennessee (1903, ch. 583) provided for a budget for counties of a certain size.

New Mexico (1903, ch. 54) provided for a "traveling auditor" to inspect county accounts.

Arizona (1905, ch. 40) provided a public examiner who inspects financial records of each county officer.

Colorado (1907, ch. 204; amended in 1909) established the office of public examiner empowered to prescribe and install uniform accounting in all state and county offices, and to publish annually a volume of comparative statistics. The weak spot in this law (as in all similar laws) is the dependence of the state authorities on the county prosecuting officers to institute and carry on the suits which



arise out of examinations. The state's attorney-general ought to have full powers to prosecute these suits.

Oklahoma (1908, ch. 79) provided for a State Examiner to establish uniform accounting for county treasurers, and to examine the county offices at the request of the county commissioners or of five per cent of the voters. This is a weak statute. A letter from an Oklahoma official says, "It would be much more effectual to have the law provide for and make it the duty of the state examiner to establish uniform records for all county officers and to make the examination of all county officers mandatory."

Other states have been worthy of note. Washington (1909) adopted a law much similar to the Ohio plan. It has worked well. Minnesota (1909) adopted a scheme of securing a system of uniform accounting by state and county auditors and treasurers, prescribed and installed by a public examiner. West Virginia (1909) adopted the Ohio law, placing the administration of it, however, in the hands of the State Tax Commission. Louisiana (1910) provided for a supervisor of public accounts to audit the accounts of the "county" auditors, public boards, and state offices. County accounting is not yet fully included in this law. California (1911) created a Department of Public Accounting empowered to prescribe and install uniform accounting in every public office in the state. The department is conducted on a civil service basis. Michigan (1911) passed an optional statute empowering the state auditor to formulate uniform accounting for all public offices keeping accounts. The findings are published annually as "comparative statistics." The law is considered useless for counties, since it is not mandatory.<sup>1</sup>

A few other states have made beginnings, more or less feeble, towards an efficient system of uniform county accounting. Among these are the following: Montana, Connecticut, Idaho, South Dakota, Wisconsin, Nebraska, and New Jersey. There seem to be nineteen states that have not yet taken the first step towards uniform accounting. This blacklist (if my information is correct) includes Alabama, Arkansas, Delaware, Illinois, Kentucky, Maine, Maryland, Mississippi, Missouri, New Hampshire, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia.

<sup>1</sup> Letter from V. B. Fellen, Auditor-General of Michigan, October 9, 1911. Quoted in *First Report North Dakota Tax Commission*, p. 112.

## III. THE IDEAL SYSTEM

The showing above made is hopeful. A few years ago no states had uniform county accounting or, indeed, any state supervision whatsoever of county financial matters. Now state supervision is the rule. And uniform county accounting is rapidly spreading, especially the Ohio plan. However, no state as yet has worked out an ideal system. Perhaps this is not possible, considering the defects of human nature. But however that may be, certain well-defined principles have been established, and any first-class system must conform to these principles.

From the foregoing representations there are three important principles apparent. Observance of these three principles will mean economy and efficiency in county expenditures. Let us examine them separately

1. Since scientific accounting is the basis of a budget system, the first principle is uniform accounting. There should be uniform accounting, prescribed by state authorities, and enforceable through the state legal department. There should be publication of findings. There should be comparative statistics. These statistics should permit of a comparison both as to *time* and *units*. Comparing this year with last year, for instance, is wholesome. As to units, it is absolutely essential that a comparison on this basis be possible. Not how much did county A spend for bridges last year, for instance, but how much per foot did county A pay for 16-foot-wide steel bridges? How much per capita for children in school was expended for education? And so on. Standard units of comparison should be had for every service rendered by the county.

The published reports of counties (and these reports should be published annually in neat pamphlet or book form) should give at the very outset a financial summary, showing income, expenditure, and debt transactions for the year. This should be followed by a detailed statement, properly classified and differentiated. The classification might well follow either the New York or Massachusetts plan given above, making changes necessary to meet local needs. The differentiation should be observed between payments for maintenance and payments for outlay, as is done in Massachusetts; likewise between revenue and non-revenue receipts. The debt statement should show the object and character of the obligation, amount incurred and amount canceled during the year, net increase



or decrease, and provisions made for debt payment. Costly experience has taught that the best debt payment plan is now the serial plan. Finally, a detailed, complete inventory should be given of the county's property showing location, cost, and present value. The people want to know what they get for their money and what becomes of this property.

Why should not the county issue a neat booklet giving a statement of county finances and various other matters of interest to voters, such as the budget, tax rate, valuations, statistical matter concerning county officers (names, salaries, etc.), and other matters of local interest? The publication of Dane county, Wisconsin, was mentioned as a model book of this kind, excepting as to its accounting system. Publications of county reports in "official county newspapers," often shabby in appearance, at so much per line of type, is a relic of governmental barbarism. It should be superseded by a more dignified method. The voter in the end will be glad to bear the expense of having his county officials dignify their office by putting into his hands an annual statement as neat in appearance and as comprehensible in matter as that put out by the banks, the department store, or the seed catalog house in his neighborhood.

2. A county budget is a self-evident necessity. Since efficiency can be shown only by comparison, uniform accounting, as before stated, must precede scientific budget making. And examinations have demonstrated that far greater harm results from unintelligent than from dishonest accounting. Having secured the intelligent accounting system, how should the county budget be made? In Erie county, New York, a board of supervisors of fifty-four men formulate the budget. In Dane county, Wisconsin, sixty-four men constitute the county board; in Arkansas and some other southern states there is a county levying court composed of all justices of the peace and the county judge; in the northwest there is a small board, usually three, five, or seven men; the taxing body for Hartford county, Connecticut (typical of the New England county) is made up of the representatives and senators elected to the general assembly from the towns of the county. In spite of the success of the Erie county board (due chiefly to efficient accounting methods) the tendency of efficient county government is towards the small board elected solely for that office. The budget should of course contain itemized statements of receipts and payments for the past year,



and estimates for the coming year. And of course these statistics should be classified and arranged for easy comparison.

A condensed statement of the county budget should then be printed on the individual's tax bill. This is done very generally. But the county booklet, described above, should contain the full and complete budget.

3. Reorganization of county government. There is at present a faulty organization of county government which needs reconstruction. There are too many elective officers, and hence lack of proper co-ordination. The people have thus confused the responsibility of most officers and thereby lost control of them. One county, for instance, now elects a keeper of the county home; the keeper of the penitentiary; the superintendent of poor; the auditor; the sheriff; the county treasurer; the surrogate; the county judges; the district attorney, and fifty-four members of the county board. Some officers are on salaries; some on fees. Many separate departments purchase supplies, disregarding the saving that would come through a single purchasing agent. Some counties buy under competitive bidding; some do not. Some counties have a real audit of bills (as outlined under Wyoming above); some have no real audit.

The commission plan of city government will inevitably suggest the commission form of county government. A reorganization according to this short-ballot plan, safeguarded with a non-partisan civil service, and coupled with the uniform accounting and the scientific budget described above, will give us our much-needed economy and efficiency in county expenditures.

## STATE SUPERVISION OF COUNTY ASSESSMENT AND TAXATION

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Any careful study of the respective spheres of state and county government must necessarily be based upon clear ideas regarding the nature of the county itself as a unit of local organization. One of the most distinctive features of the American type of political institutions is the striking contrast which exists between the character of legislative authority on the one hand, and the real work of administration on the other. Under the constitutions and statutes of the different states, there exists a degree of legislative centralization which practically eliminates the county and smaller subdivisions of local government; but at the same time the administration of law is parceled out among a long list of local officials for the most part elected by the people, and thus a type of political organization established which frequently leaves to the commonwealth itself or central law-making authority only the merest shadow of nominal supervision and control.

As a logical result of this contrast between legislative centralization and administrative decentralization, there are at present two apparently conflicting movements in the political systems of the forty-eight commonwealths: first, so-called "home rule," which, following the experience of continental Europe, would give to the localities some measure of legislative authority, and, second, a more centralized type of supervision and control which would fix responsibility all along the line from the civil township to the commonwealth, by giving to the latter a more substantial amount of real administrative power and authority. In reality, however, these movements do not necessarily conflict, but form logical parts of a well-ordered system of political evolution, for the obvious reason that, while changed economic and social conditions render imperative a constantly increasing measure of centralized administration, numerous problems of a distinctly local character should be placed in the

hands of properly constituted local officials and not transferred to a central commonwealth board or commission.

The control of public service corporations, the supervision of the revenue system, the construction of permanent highways and a score of other present-day problems demand that the work of administration be transferred in many cases from the localities to the commonwealth. The writer is in thorough sympathy with the movement to centralize authority when the same is demanded to bring about uniformity of conditions on the one hand and administrative efficiency on the other. At the same time, however, problems of a distinctly local character should not be arbitrarily transferred to the state either by legislative enactment, judicial construction, or administrative usurpation and, for that reason, there is a measure of truth in the "home rule" doctrine which the student of political science and the practical statesman should constantly bear in mind. In other words, if the future is to bring about greater centralization of administrative power in order to conform with present economic conditions, it would seem to be apparent that some measure of legislative decentralization must go hand in hand with administrative centralization, and thus insure that balance of local and central authority so essential to the preservation of the democratic form of government.

State supervision of the county and lesser political subdivisions rests upon the solid foundation of legislative authority. The representatives of the people, if they so desire, may either delegate the work of administration to local officials elected or appointed in the civil townships of the county, or establish some compromise system of township and county organization. On the other hand, the same representatives may create by law state boards or commissions to carry on the work of administration. The amount of supervision and control exercised by the commonwealth in each case will depend on historical conditions, the character of local government, industrial and social conditions and numerous other considerations. It is the purpose of this article to examine the nature and scope of state supervision of the most important of all the functions of the county, viz., control of assessment and taxation.

Professor F. J. Goodnow, in his work on "Comparative Administrative Law,"<sup>1</sup> says regarding the necessity of state supervision of

<sup>1</sup> Vol. I, p. 229.



financial problems: "In a few instances, however, where the action of the authorities in the localities may have a disastrous effect upon the general administration of the commonwealth in matters where it is particularly desirable that the administration shall be conducted in accordance with a uniform plan and where local action may produce inequalities in the burden of commonwealth taxation, resort has been had to a central administrative control which, however, up to the present time, has not been thoroughly worked out."

Since the publication, however, of Professor Goodnow's work in 1897, this principle of state supervision has been "worked out" with a reasonable degree of thoroughness in a large group of commonwealths. In 1900 only five states had a permanent state tax commission or state tax commissioner; but so rapid has been the progress of revenue reform since that date that, at the present time, twenty-seven states have organized such boards or commissions.<sup>2</sup> For reasons already suggested the supervision and control thus vested in an administrative state board may be exercised directly through officials sent to the localities, or indirectly through township or county authority or some compromise system, depending primarily upon the form of local government. In states where the township form of local institutions predominates, the tax commission is obliged, in nearly all cases, to deal directly with the civil townships; but in about half of the tax commission states, the central supervision and control of local finance are exercised through the county as a unit of local organization.

The advantages of state supervision of county finance as compared with state supervision of township finance must be obvious to the student of political science. At the present time, there is in nearly every commonwealth a county board with some control over assessment and taxation. Rhode Island and Georgia are the most distinct exceptions to this rule. Moreover, the number of counties varies from three in Delaware, fourteen in Massachusetts and sixty-one in New York to ninety-nine in Iowa and two hundred and forty-three in Texas. It is thus not only possible, but practi-

<sup>2</sup> The following states now have some form of permanent state tax board or commission: Alabama, Arizona, Arkansas, Colorado, Connecticut, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

cable, from an administrative standpoint, for the state to deal directly with the county as a type of local government, while it is vastly more difficult, if not impossible, to exercise the same supervision over the civil townships,

For these reasons it follows that, in states having the township form of local government, a substantial amount of power and authority must be exercised by the central state board through officials appointed for that purpose, which, in states having the county form of local government, might safely be vested in the proper county authorities. For example, in Kansas and West Virginia, a large amount of detailed administrative work is handled by the county assessors, which, in New York, Wisconsin and Minnesota, when performed at all, must be placed in charge of officials appointed by the commission and sent out from time to time to the localities.

The creation of the office of county assessor, therefore, as recommended by the tax commissions of Ohio, Minnesota and North Dakota and the Special Tax Commission of Iowa, should not only result in more efficient administration of revenue laws, but should also preserve local self-government in taxation matters in a way quite impossible in states having only the township form of local organization. In other words, changed economic conditions render necessary greater centralization of administrative authority in matters of assessment and taxation. This authority may all be vested either (1) in a state commission with a large corps of appointed expert officials, or (2) partly in a state commission and partly in county officials or boards. The writer is in favor of the latter plan: first, because it is giving the best results in states like Kansas and West Virginia; and second, for the reason that it tends to preserve a safer balance between state and local authority.

At the present time there are at least four types of local government: first, the township as it exists in New England; second, the township-county or supervisor plan, of states like New York, Michigan, Illinois, and Wisconsin; third, the commissioner form of the compromise system or county-township plan, of states like Pennsylvania, Ohio, Indiana, Iowa, Kansas, and Missouri; and fourth, the county plan which predominates in the South. Under the first plan the county is practically blotted from the map as a fiscal unit of local organization, and the state tax board, commission or com-



missioner deals directly with the civil township. In the remaining plans, however, the tendency is very decidedly in favor of state supervision of county rather than township finance.

The problem of accomplishing this result is relatively simple in commonwealths having the county type of local government; more difficult where the commissioner form prevails; and most difficult of all where the supervisor plan of the compromise system of local organization has been in existence for a long period of time. To be more concrete, state supervision of county finance can be accomplished with the minimum of difficulty in a commonwealth like West Virginia. In Kansas, where the people have been accustomed to a substantial measure of township government, state supervision of county finance has been brought about since 1907, but it has required more persistent effort and the result has been a more complex administrative system. In Wisconsin, however, where a tax commission was established several years earlier than in either Kansas or West Virginia, it has been impossible to enact a law creating a county supervisor of local assessment with anything more than nominal authority. Indeed, after several years of experience, the Wisconsin legislature in 1911 repealed the law providing for a county supervisor of assessment with vague and shadowy authority and placed larger powers of supervision in the hands of so-called income tax assessors appointed by the State Tax Commission, thus accomplishing in a measure by indirection what the prejudice of the people for a certain type of local government had prevented by a more direct statutory method.

It is a cardinal principle of public finance that the general property tax, so-called, succeeds or fails in the process of assessment. If the listing or assessment of property for taxation purposes is uniform, the burden of taxation will be equitably distributed among the taxpayers, whether they be individuals or corporations. If the assessment, however, is honeycombed with inequalities, such as every investigating board or commission has discovered to a greater or less degree, the tax levies must be inequitable in the same proportion.

The method of realizing greater uniformity of assessment is not absolutely the same in any two commonwealths. Laws providing for assessment and taxation are nearly always the fruit of legislative compromise and in the last analysis are determined



primarily by the character of local institutions which happen to predominate. Under all political, economic, and constitutional conditions, however, writers on public finance and tax administrators agree on one fundamental principle, viz., the necessity of a larger measure of administrative centralization, which means an enlargement of the supervision and control of assessment and equalization vested in county and state authority. If the county does not exist the state must necessarily deal directly with the civil township and, for reasons already explained, exercise a larger measure of supervision and control than in commonwealths where the county through its proper officials is able to assume a part of the work of administration.

Of the forty-eight commonwealths, seventeen have township assessment without the supervision and control of county assessors, or in fact any county supervision, aside from the nominal review or equalization by an *ex officio* board. This list includes every state north of the Ohio and Potomac rivers and east of the Mississippi River, except Illinois, Indiana and Maryland. It is a significant fact, however, that it includes only North Dakota, Minnesota, Iowa and North Carolina in the extensive territory west of the Mississippi and south of the Ohio and Potomac rivers. This means that, as the American people moved westward, in their development of a broader democracy, the county gradually proved its superiority over the township as a unit of local organization for fiscal purposes.

Indiana, Illinois, Kansas and South Dakota also have some measure of township assessment. In Illinois and South Dakota, part of the counties are under township organization and therefore have township assessors, but in the remaining counties the county system of local government and with it county machinery of assessment prevails. Kansas has township assessors elected by the people in the rural districts and local assessors appointed in towns and cities, but the listing of property in either case is subject to the rigid supervision of a county assessor formerly appointed by the board of county commissioners, but at present elected by the people. In Indiana property is listed by local township assessors working under the supervision of a county assessor elected by the people. Of the four states having a combination system of township and county assessment, Indiana and Kansas have established tax commissions and therefore placed their revenue system on a much more efficient basis than have Illinois and South Dakota.

All the states having township assessment without any county supervision except that of an *ex officio* board of review, have established a permanent state tax commission, or commissioner, except Iowa and Pennsylvania. This demonstrates the fact that township assessment without some real central supervision and control is a recognized failure. New Hampshire, Ohio and Rhode Island have been placed in this list of tax reform states during the last two years. It is to be hoped that Iowa will take a similar step during the present session of the general assembly. In other words, under present economic conditions, it is very apparent that some method of central supervision of township assessment is deemed necessary in order to obtain anything approaching satisfactory results.

The system of county assessment prevails in some form in thirty-one states, which include every state west of the Mississippi and south of the Ohio and Potomac rivers, except Minnesota, North Dakota, Iowa and North Carolina. It is, moreover, a significant fact that bills are now pending in the legislatures of Minnesota, North Dakota and Iowa to create the office of county assessor. This shows that the relatively greater efficiency of the county as a unit of local government for fiscal purposes, is coming more and more to be recognized. The legislature of Ohio is likewise considering a bill, which, if enacted into law, will provide a county tax commissioner for each county of the state, the same to be appointed by the State Tax Commission.

A word of explanation should be made with reference to North Carolina, a southern state where one would expect to find the county system. In fact, the county plan does prevail when we consider that the board of assessors or list takers, while nominally township officials, are appointed by the board of county commissioners and subject to county supervision and control. Furthermore, North Carolina has a state tax commission, which exercises supervision over all the various taxing officials, including the list takers and boards of county commissioners. Thus the board of county commissioners, through its power to appoint township list takers and operating under the supervision of a tax commission, can direct the work of local assessment in much the same manner that the county assessor is able to do in a state like Kansas.

The plan of county assessment, however, has been carried to its logical conclusion in only a few commonwealths where permanent



tax commissions have been established and their powers and duties carefully correlated with the work of county assessors and county boards of review. In recent years the tax commission movement has been making as great progress in states where the county form of local organization prevails as in those having township assessment. Of the county assessor states, and perhaps of all the commonwealths in the Union, Kansas and West Virginia have accomplished the most satisfactory results. The county assessor states that have recently followed the example of West Virginia and Kansas are: Alabama, Texas, Oregon, Washington, Colorado, Arkansas and Arizona. For reasons already explained, this group of states is able to place a large amount of power in the hands of the county.

The method of election, term of office, salary and powers of county assessors are not absolutely the same in any two states. Like other county officials they are generally elected by the people for two or four years. In thirteen states the term of office is four years. Arizona provides that the county assessor shall be appointed by the county board of supervisors. In Virginia, the power of appointment is vested in the circuit courts.

The work of review or equalization, like that of assessment, can best be studied by examining the authority vested in the civil township, including the town and city, the county, and the state, respectively. Beginning with the smaller subdivisions, it is a significant fact that only seven states have a system of so-called local township review. Formerly the plan of township equalization was more common, but it is a type of pioneer institution which has outlived its usefulness and therefore has been gradually abandoned. New Jersey abolished its township board of review in 1906; Illinois, in 1908; Oklahoma and Nebraska, in 1911. For obvious reasons the township is too small a unit of local government for purposes of review, if we are to obtain uniformity of assessment and therefore equality of taxation. There must be some permanent county official whose business it is to see that assessments are uniform throughout the county and this official should be under the supervision of a state tax commission with power and authority to bring about uniformity of assessment among the counties of the state. At the present time, forty-one states are able to get along without local or township review of assessments. Indeed Kansas should be added to this list when we consider that its local board of review is composed of



three persons, two of whom are appointed by the county assessor and therefore subject to his direct supervision and control.

While township review or equalization has been gradually abandoned for administrative and economic reasons, the same cannot be said of county boards of review. Just as county assessments have gained in favor during the last decade, so county review or equalization has rapidly proved its efficiency over the township method. In other words, the tax reform movement of the last ten or fifteen years has increased the authority of the county and decreased that of the township, both from the standpoint of assessment and equalization.

Of the long list of thirty-nine commonwealths with county review of assessment, this power is vested in the county boards of supervisors in nine states, in boards of county commissioners in twenty states, and in the county court in Texas and West Virginia.<sup>3</sup> Boards of county review in the remaining eight states present as many different varieties of organization. In Louisiana, this power is vested in the police juries of the different parishes. In New Jersey, the county board of review is appointed by the judge of common pleas, while in Missouri, the county clerk, county surveyor, county assessor and judges of the county court make up the county board of equalization. Tennessee also has an antiquated system, borrowed, in the main, from colonial days.

Perhaps the most significant fact, however, as to county boards of review is that they are almost universally clothed with the power to equalize assessment as between individual taxpayers. This is true in approximately two-thirds of the states. The recommendation, therefore, made by the Special Tax Commission of Iowa that the office of county supervisor of local assessment be created and that the county board of review be clothed with authority to equalize assessments between individuals, would seem to rest upon the solid foundation of successful experience.

Since the subject under consideration is state supervision of county finance, only a word need be said regarding the state assess-

<sup>3</sup> The county board of supervisors acts as a county board of equalization in Arizona, California, Kentucky, Nebraska, Michigan, Mississippi, Iowa, New York and Wisconsin. The same work is done by boards of county commissioners in Alabama, Colorado, Florida, Idaho, Illinois, Kansas, Maryland, Minnesota, Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Washington and Wyoming.

ment of certain classes of public service corporations. In a large group of commonwealths, like Kansas, Michigan and Wisconsin, the work of review or equalization includes property listed by state as well as by local officials, thus making it impracticable to draw any clear line of demarcation between state assessment as such and state review of all classes of property subject to *ad valorem* taxation. Under such conditions the two functions are logical parts of one administrative problem and are rendered necessary by an effort to place the same relative burden of taxation on the property of corporations organized for pecuniary profit as is levied against the property of individuals.

With reference to the close interrelation of state assessment and review, the following comments in the author's essay on "Tax Administration in Iowa" are significant: "Authority to assess the property of various state-wide public service corporations is sometimes vested in a single person, like the Comptroller General of Georgia, but this important function is almost universally placed in the hands of a board of three or more members. In states like Iowa, Missouri and Nebraska an *ex officio* state board of equalization is clothed with this power—a method which was more general throughout the country before the days of the tax commission movement than at the present time. In states like Maine and New Jersey the same authority is conferred upon separate state boards of assessors. During the last decade, however, state assessments and review or equalization have both been very rapidly transferred to a class of permanent state boards generally known as tax commissions. This is true at the present time in Wisconsin, Massachusetts, New York, Michigan, Indiana and a number of other states, and represents a very positive general movement in the field of scientific tax reform."<sup>4</sup>

Some plan of state review or equalization now exists in thirty-eight of the American commonwealths. Those states not having boards of this character are located for the most part in the South. The tendency of the present-day tax reform movement is: first, to increase the administrative power and authority vested in the state; and second, to replace *ex officio* boards by permanent tax commissions, or at least a tax commissioner to collect the necessary

<sup>4</sup>State Historical Society of Iowa. *Iowa Applied History Series*, Vol. I, p. 560.



statistical data. The fact that more than one-half of the states have made definite progress along this line shows that the work of providing for a more efficient system of assessment and taxation has long since passed the experimental stage.

Thus it appears that the statement made by Professor Goodnow in 1897, that central administrative control of finance "has not been thoroughly worked out" no longer represents the true condition of affairs in a substantial group of commonwealths. Especially during the last decade, legislative centralization has been supplemented by a degree of administrative centralization hitherto unknown in the American political system; a movement which has characterized not only the field of public finance, but numerous other lines of governmental activity. While the practical necessity of this development cannot be denied by the student of economics and political science, the fact remains, however, that every step forward should be taken with caution and only after the most thorough consideration of the problems involved.

In this connection we must not forget that if the time should ever come when the work of administration in the commonwealths is centralized in the same degree as is legislative authority, under present conditions, the counties, townships, and other local units of government would be reduced to mere geographical expressions and local self-government would cease to exist. The writer does not believe that there is any immediate or even remote danger that political and social evolution will bring the American people to such a system of government. The fact remains, however, that while we are urging the necessity of greater centralized administrative authority to the end that political organization may be in harmony with industrial and social conditions, our enthusiasm for mere efficiency should not cause us to forget that there is another side to the problem. While it will be generally admitted that modern capitalistic industry, with its machine production and rapid transportation, makes it necessary to centralize certain functions which only a few years ago were local in character, this does not necessarily mean that the advancement of material civilization has not brought to the front other problems which can best be solved by the cities and other subdivisions of local government. Hence, the "home rule" movement would seem to rest on a logical basis and will probably receive greater attention in the future, as admin-



istrative control of general problems becomes more and more centralized.

With these considerations in mind it follows that administrative authority should be properly distributed among the various units of government from the state down to the minor subdivisions. A more centralized administration does not necessarily mean the transfer of power from the township to the county or from the county to the state. The reasonable demands of centralized administrative control are provided for when the functions of each unit of government are placed upon an efficient business basis. This holds true of the township, city, county and state. In matters of public finance, however, it has been found that the county rather than the township, from an administrative standpoint, is best adapted to meet the requirements of a scientific revenue system, made possible by a wise correlation of state and county authority.

At the present time the legislature of the average commonwealth is more or less arbitrary in determining the maximum tax levies and bond issues of counties and other subdivisions of local government. Aside from the legislative authority thus exercised by the commonwealths over the local units of government, it may be said that the tax commission movement, so-called, means that a central state board of some kind should exercise the following powers: the administration of the tax laws including the supervision of assessors, boards of review and all other local taxing officials; the collection of all statistical data necessary for the purposes of review or equalization; the assessment of the property of public service corporations where the *ad valorem* system prevails; and, finally, the reassessment of taxing districts in cases where it is considered necessary, or even the sending of agents to perform the work of reassessment. Numerous other functions might be mentioned but these can be determined by consulting the tax commission laws of any one of a score of commonwealths, especially those of Ohio, West Virginia, Wisconsin, Minnesota and Kansas.

In conclusion, the essential facts presented in this paper are briefly set forth in a plan of state tax reform outlined by the writer in an address delivered before the fifth national conference of the National Tax Association, held at Richmond, Va., in 1911, which, with some modifications, is as follows:

1. A permanent state tax commission or tax commissioner,

appointed by the governor with the consent of the senate, paid good salaries and serving for not less than six years, said commission or commissioner to have general supervision of the entire revenue system, with authority to assess the property of public service corporations in states where the *ad valorem* system prevails, act as a state board of equalization, or, in case of a single commissioner, to serve on said board, with additional power when necessary to compel the reassessment of property in any taxing district of the state or even send expert agents to do the actual work of reassessment.

2. A county assessor or county tax commissioner, to be elected by the people or appointed by the county board of supervisors or tax commission, his term of office to be not less than three but preferably four or even six years, having authority in turn to appoint deputies to aid in assessing all the taxable property of the county, or, in cases where the prejudice for the township system is too powerful to be overcome, to be at least a necessary connecting link between the local assessors and the tax commission, having general supervision of the former and serving as a member of the county board of equalization.

3. The gradual transfer of fiscal authority from the township or similar local unit to the county, said transfer to include both the collection of taxes and the assessment and equalization of property, the actual changes being made with great caution, only after a thorough study of the history of township and county government, and always with due regard for the prejudices and political habits of the people and other legal, economic, or constitutional considerations.

4. The local taxation of property or business that is local in character, and the state taxation of property and business that is non-local, thus having its legal *situs* at the capital of the state; it being apparent from a careful historical and comparative study that the exclusive state taxation of local property and business, following the inevitable logic of the advocates of segregation, places an unjust burden upon the cities; and the local taxation of property and business not having a local *situs*, *e. g.*, main track, rolling stock, and franchise or intangible value of railroads, compels the majority of rural taxing districts to bear the fiscal burdens of the minority through the payment of telegraph and telephone tolls and railroad and express rates.



5. In cases where the state tax on non-local property and business, coupled with the customary fees and an inheritance tax both collateral and direct, is not adequate to meet legitimate needs, a levy of the required millage on the actual cash value of all taxable property in the state; and in cases where the revenue from said sources is more than sufficient for state demands, the distribution of a part thereof to the local districts for various purposes and on a basis in harmony with the conditions prevailing in a given commonwealth.

6. The assessment of property on a geographical basis at its actual cash value, real estate to be listed separate from the improvements thereon, the rate on moneys and credits, however, being placed at not more than five but preferably four or even three mills, it being recognized that an efficient administration of the general property tax on any other basis is impossible; and finally, when practicable, the extension of the *ad valorem* system to the property of public service corporations in order: first, to obtain a true measure of fiscal burdens, both individual and corporate; and second, to find a common ground in fair valuation for the equitable taxation and intelligent regulation of these great and necessary enterprises. In states, however, where a tax on earnings has become well established, a change to the *ad valorem* plan should not be made without very careful consideration, for the obvious reason that the most essential thing is the efficiency of the administration and not the question whether the tax itself happens to be calculated with reference to value, earnings or some other method.

While conditions are materially different in different states, it is believed that this fiscal law, founded as it is upon centralized administration, the proper correlation of power and authority as between the various divisions of local government, actual cash value of property, a desirable substitute or substitutes for the worn-out personal property tax, and the equitable distribution of taxes received from public service corporations, is sufficiently elastic to serve at least as a working basis of rational tax reform in the average American commonwealth.<sup>5</sup>

<sup>5</sup> *State and Local Taxation*, 1911, pp. 82, 83.



PART THREE

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PLANS FOR THE REORGANIZATION OF  
COUNTY GOVERNMENT



## COUNTY HOME RULE IN CALIFORNIA: THE LOS ANGELES COUNTY CHARTER

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BY LEWIS R. WORKS,

Member of the Board of Freeholders that framed the Home Rule Charter for  
Los Angeles County.

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Officially, the movement for county home rule in California had its inception in the initial message of Governor Hiram W. Johnson to the legislature, in January, 1911. The new executive, responding to the popular feeling which had placed him in his position, pointed out in the message many reforms designed to better the machinery of government and place it more nearly in the hands of the people. Among these, he suggested such changes in the state constitution as would enable the electors of the respective counties to adopt a form of government for themselves. The message recognized the fact that, to a great extent, counties are agencies for the discharge of state functions and that, therefore, a state cannot grant to its counties the measure of local self-control which it may properly allow its cities. The legislature was accordingly advised to propose to the electorate a constitutional amendment providing for county charters covering a limited range of subjects.

An amendment closely following the suggestions of the governor was adopted by the legislature and was submitted to the people at the special election of October 10, 1911.<sup>1</sup> The amendment was approved and at once went into effect.

Under the new amendment a charter for a given county is to be prepared by a board of fifteen freeholders, themselves first elected by the people of the county at a special election called for the purpose. The election may be held pursuant to ordinance passed by the board of supervisors, a body which is the counterpart of the board of county commissioners in other states, or by initiative petition signed by fifteen per cent of the qualified electors. It is required that the freeholders shall complete and file a draft of a charter within one hundred and twenty days after the official declaration of their election. The proposed charter must then go through a ten days'

<sup>1</sup>At which were also presented twenty-two other measures, including the initiative, referendum, recall, equal suffrage and other amendments.



publication and must be submitted to the electorate of the county not less than thirty nor more than sixty days after the completion of publication. It must then be adopted by a majority of the votes cast. Before it becomes finally operative it must go to the legislature, at the next session after its adoption by the electors, for ratification.

It is made mandatory upon the people, by the constitutional provision, to incorporate certain features in their county charters.

The constitution is to the effect that charters shall provide:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

In addition to these positive requirements, the constitution permits county charters to provide, also:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

The constitutional amendment also provides, in a paragraph too lengthy to be quoted with profit, that the charter may make provision for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges, with certain limitations as to the formation of districts and the voting of bonds, for such purposes.

The movement for a charter for the county of Los Angeles was inaugurated by the county board of supervisors. A resolution was passed by that body in March, 1912, requesting the Los Angeles Chamber of Commerce, the leading unpartisan civic organization of the county, to take measures for the nomination of fifteen candidates for freeholders. The chamber accordingly issued a call for a convention to be composed of delegates from the various civic bodies of the county. The response was immediate and the convention speedily held. The list of proposed nominees, completed and adopted by the convention on April 2, was formulated in such manner as to give representation to all parts of the county. From the standpoint of political complexion, the ticket was as happily selected. The list was made up of seven progressives, four republicans, two democrats and two socialists. Taking it from the occupational standpoint, the ticket comprised seven lawyers, three financiers, two business men, one educator, one farmer and one musician.

The convention named a committee of twenty-five to circulate petitions among the people for the formal nomination of the fifteen persons selected. Their names were thus placed upon the ballot and they were elected as a board of freeholders at a special election held May 14.



At the inception of their work, which was begun immediately, the freeholders found it necessary to consider most carefully the scope of their prospective labors. They were entering upon a virgin field of endeavor. Their efforts, if well directed, were to lay a foundation for the eradication of the glaring evils of the system of county government prevailing throughout the Union. They realized that they could not carry the work to the limit which some of them desired and that they must, at the outset, take strict account of the limited range which their operations might cover as compared with the broad field they could enter upon if engaged in the preparation of a city charter. Most of the members had enjoyed more or less experience in the work of city charter making and they felt themselves almost subconsciously tempted to regard their impending labors in the light of that experience.

The law committee of the board was accordingly directed to examine into the considerations just mentioned. It did so and presented a report to the following effect:

1. The constitutional amendment allowing the formation of county charters provides that a charter "shall supersede all laws inconsistent with such charter relative to the matters provided in such charter." Under this language you are advised that a county charter, although allowed to cover but a limited range of subjects, will, if properly drawn, and within such range, supersede all legislative enactments upon the same subjects; provided, however, that this rule is limited by what is said in the next succeeding paragraph, numbered 2.

2. It is provided, by a certain paragraph of the constitutional amendment, which paragraph is numbered 4, that county charters shall provide, among other things, "for the powers and duties of boards of supervisors and all other county officers." Further down in that paragraph, however, occurs the following: "Provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws." The insertion in the constitution of the proviso, or clause, just quoted, makes it necessary for us to advise you as follows:

(a) A county charter may contain such provisions as the people see fit to insert with relation to the "powers and duties of boards of supervisors and all other county officers," if such provisions contravene no principle of constitutional law, and notwithstanding such provisions are inconsistent with or are in addition to provisions contained in legislative enactments.

(b) If, however, a county charter contain provisions as to such "powers and duties," which provisions are inconsistent with existing legislative enactment, then and in that event, such provisions of the charter would be inoperative, would rest in a state of suspension, during the existence of such legislative enactment, but would become effective or operative upon a repeal of such legislative enactment by the legislature.



(c) Also, all provisions of a county charter as to such "powers and duties" would become inoperative, would be placed in suspension, even if the same had theretofore been in actual operation, by the passage at any time, by the legislature, of any statute concerning such "powers and duties," such statute being inconsistent with such provisions of such charter, the latter being placed in suspension by such statute only to the actual extent of the inconsistency between the two.

3. The constitutional amendment contains the following: "It shall be competent in all charters framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters," and this language is followed by a specification of the matters referred to. You are advised that the language quoted is mandatory, in the legal sense, and that the charter should contain provisions as to all the matters mentioned.

4. The constitutional amendment also contains the following, below the matters mentioned in the last preceding paragraph, numbered 3, to wit: "All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows," and this language is followed by a specification of certain designated matters. You are advised that the language quoted is directory, in the legal sense, and that the charter may or may not, without affecting its validity, contain provisions as to the matters, or as to any of the matters, designated below such quoted language.

5. You are advised that the charter may contain such provisions as conform to the language of the constitutional amendment, for the construction, care and maintenance of roads, even though such provisions conflict with the provisions of the political code or of other general laws, and such provisions will supersede the provisions of the political code or of such other general laws. The matters stated in this paragraph numbered 5 furnish but a specific application of the general principle announced in paragraph numbered 1 of this report.

6. You are advised that the charter may prescribe the number and define the extent and boundaries of each of the districts from which a supervisor is to be nominated as provided in the constitutional amendment.

Taking this report very largely as a basis the board proceeded to the completion of its task. The finished charter was filed within the time prescribed in the constitution. The instrument is remarkable for its brevity. It comprises but fifty-seven sections, with not much more than seven thousand words in all, of which more than one-fourth is given to the civil service article and more than one-eighth to the provisions for the recall. It would be inappropriate here, notwithstanding it is so brief, to present anything like a complete *résumé* of the provisions of the charter. Endeavor need be made only to show the important features of the work. This can best be done by statements comparing conditions under the general

county government law of the state with those provided for in the new instrument. Such a comparison is here attempted:

1. Under the state law, all of the important county officers are elective. Under the charter, only the supervisors—who must be elective under the constitution—the sheriff, the district attorney and the assessor are to be chosen by the people. The officers removed from the elective to the appointive list are the auditor, the coroner, the county clerk, the public administrator, the recorder, the surveyor, the tax collector and the treasurer. These will be appointed by the supervisors, but all are to be selected from the eligible civil service lists.

2. Under the state law, the legislature prescribes the number of deputies, clerks and attachés in the various offices. Under the charter, the number will be fixed by the supervisors. The same statement is true as to the number of justices of the peace and constables in the several townships.

3. Under the state law, justices of the peace and the constables are elective. Under the charter, the justices remain elective, but the constables are made appointive by the sheriff, selection to be made from the eligible civil service lists.

4. Under the state law, the sheriff and constables are independent of each other and have been at constant warfare, though their duties were about the same. Under the charter, the constables are made deputy sheriffs, *ex officio*, and constitute a constabulary department, with the sheriff at its head.

5. Under the state law, all salaries, even those of the deputies and clerks in county offices, are fixed by the legislature. Under the charter, all salaries, even those of the few elective officers, except the salaries of the supervisors, which are stated in the charter, will be fixed by the supervisors. This does not include, however, salaries of officers and employees of the civil service commission.

6. Under the state law, the elective list is long and all officers, except the supervisors whose terms overlap, go out quadrennially at the same time. The county ballot is therefore so long as to be fearful to contemplate. Under the charter, because of a short elective list and biennial elections of part of the officers, all of whom hold office for four years the advantages of the short ballot are secured.

7. Under the state law, certain county officers and also the



constables in the townships, collect fees for service rendered, which fees are retained by them as the whole of or a part of their compensation. Under the charter, all fees must be turned in and compensation for officers is by salary only.

8. Under the state law, each supervisor is in charge of road construction and maintenance in his district and is therefore to a great extent an itinerant officer. His activities as a member of the county governing board are thus greatly hampered. Under the charter, all the roads are placed in charge of a new officer, the road commissioner, who is to be appointed by the supervisors from the eligible civil service lists. The road commissioner is to act under rules and regulations prescribed by the board of supervisors.

9. Under the state law, civil service regulations are unknown. The charter provides an exhaustive civil service plan, to be under the direction of three commissioners who are to be appointed by the supervisors for six-year terms, one retiring at the end of each two years. The independence of the civil service department is secured by the apportionment to it, by positive charter provision, of a certain part of the annual tax levy. The members of the civil service commission are to fix all salaries of officers and employees in the department. The civil service provisions allow but a very limited unclassified list.

10. Under the state law, there is no provision for an Efficiency Bureau. The charter provides for a complete efficiency system, under the direction of a bureau composed of the auditor and the three members and the secretary of the civil service commission.

11. Under the charter the supervisors are "to provide, publish and enforce a complete code of rules, not inconsistent with general laws or this charter, prescribing in detail the duties, and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the county." The state law contains no such provision. Aside from the work to be done by the Efficiency Bureau, the clause just quoted furnishes the main "publicity" feature of the charter.

12. Under the state law, the recall is limited to elective officers. The charter extends its operation to appointive officers. It cannot be invoked as to such officers under civil service, however, until after unsuccessful demand for removal, addressed to the civil service commission.



The charter was submitted to the people of the county at the general election in November, 1912, and was adopted by a handsome majority. It received the approval of the legislature in January, 1913, and became, through that sanction, the organic law of the county. It goes into operative effect on the first Monday in June, 1913.

Notwithstanding the limited range allowed to the operation of county charters under the constitutional amendment, the new instrument has, without doubt, set a stake far forward in the solution of the vexing problem of county government in the United States. The framers of the charter had a high sense of the importance of the work committed to their care and pursued it with a noteworthy degree of genuine patriotic fervor. The spirit behind the labor was beautiful to contemplate, and its existence justifies the assertion that the framers made a wordless, but nevertheless actual, dedication of their work, not alone to the people who are to live under it, nor to the people of California, but to the people of the entire United States.

## THE GOVERNMENT OF ALAMEDA COUNTY, CALIFORNIA

BY M. L. REQUA,

President of the Tax Association of Alameda County, California.

The form of government under which Alameda county is laboring is antiquated, inefficient and inexcusable. There is no coordination between either county officials or city officials, with the result that there is an unending and unwarranted duplication of work. Yet compared with other counties its government will probably be found to be as efficient as any strictly county government in the state.

The county comprises an area of approximately 843 square miles, contains a population of 265,000 people, and embraces the following incorporated cities and towns:

<i>Cities and Towns.</i>	<i>Population.</i>
Oakland.....	156,674
Berkeley.....	40,434
Alameda.....	23,383
Haywards.....	2,746
Piedmont.....	1,719
Pleasanton.....	1,254
Emeryville.....	2,613
San Leandro.....	3,471
Livermore.....	2,030
Albany.....	808
	<hr/> 235,132

Its location upon San Francisco Bay makes it an important shipping point, and the climatic and soil conditions of the county are such that it will support a very much greater population than it has at present. It is ranked as third in the counties of California, being exceeded in population only by San Francisco city and county, and Los Angeles county. It is destined to have an exceedingly rapid growth, both in the cities and in the country, with a resultant rapid increase in the amount of money required to be raised by taxation.

For the fiscal year 1911-12 the amount of money collected by the county and the cities, including bonds sold, was as follows:

Alameda County (1910-11).....	\$4,000,500
Oakland.....	4,386,907
Berkeley.....	692,046
Alameda (1910-11).....	538,073
Haywards.....	24,924
Piedmont.....	63,590
Pleasanton.....	14,697
Emeryville.....	30,097
San Leandro.....	32,092
Albany.....	20,960
Livermore.....	38,500
	<hr/>
	\$9,842,386

The per capita expenditures for the same period were, for

Alameda County.....	\$16.25
Oakland.....	28.90
Berkeley.....	17.15
Alameda.....	23.10
Haywards.....	9.07
Piedmont.....	37.00
Pleasanton.....	11.68
Emeryville.....	11.55
San Leandro.....	9.27
Albany.....	25.90
Livermore.....	19.27

The problem of securing efficiency in county government is essentially one of simplifying routine, eliminating duplication, and of so standardizing and coordinating accounts that a consolidated balance sheet of the county can be obtained.

Aside from San Francisco city and county there is no consolidated city and county government in any county in the state. In years past, efforts have been made to create a city and county government for the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and Albany. Because this proposal first contemplated the division of the county, and the consolidation of the cities in the western end thereof, it has been antagonized vigorously by the citizens of the eastern end of the county, as well as by those of Alameda and Berkeley, who have been unwilling to consolidate with Oakland, believing that the latter would become the dominant



factor, and that the identity of Alameda and Berkeley would disappear. Therefore, in addition, to the efficiency and economy features, it is also necessary, in order to secure public approval and cooperation from all parts of the county, to devise some method that will give to the cities, and to the county a certain measure of consolidated government, without in any way destroying the identity of the individual communities, while at the same time making it possible for the county to perform, by centralization, at a single operation, a great deal of work that is now done by duplicate operations, in a manner far from satisfactory. This plan, among other things, will ultimately require:

1. A county charter provision allowing the county to assume certain functions on behalf of the cities.
2. Permission for the cities, either optional or mandatory, to delegate to the county the performance of certain work for the cities.

It was found by the Tax Association, in the very beginning of its work, that the form of accounting in Alameda county, and in the city of Oakland, was inadequate, unscientific and antiquated. Modern standards of municipal accounting are entirely lacking, unit costs and consolidated balance sheets unknown. This condition has largely come about because of the fact that the heads of all of the departments in the county, consisting of sheriff, surveyor, coroner, district attorney, tax collector, public administrator, county clerk, treasurer, assessor, recorder and superintendent of schools, are elective, and are responsible solely to the people for the administration of their offices. The board of supervisors, which in theory is the governing body, is so hampered by state laws that it has little practical control over the various departments. I may cite the instance of the recommendation made by the Tax Association that the making of the daily transcript of records in the recorder's office be taken over by the board of supervisors, and the county make the transcript instead of the private citizen. This would have saved possibly \$150 per month. But this simple salient change could be brought about only by the introduction of an amendment to one of the laws of the state providing that the recorder should exercise this control.

Because of the fact that the heads of these various departments are responsible solely to the people, there has grown up a series of

widely different and unrelated systems for the conduct of business in the county offices. Each department has had its own system of accounting, independent of any other. There has been no consolidated balance sheet in either the cities or the county, with the result that neither know to-day accurately what they own or what their actual assets and liabilities are. It has been shown by the investigations and reports of the Tax Association of Alameda County that it would be necessary to handle every warrant issued and canceled during the year to obtain a complete and exact statement of the affairs of the county. In other words, it would involve an entire reconstruction of the accounts for that period. It has been shown in the bulletins of the same organization that the county recorder's office could be run at an annual saving of \$26,984, or 38 per cent; that the County Emergency Hospital could be run at an annual saving of \$10,473, or 61 per cent; that indigents' supplies could be purchased at a saving of \$5,600, or 19 per cent, and that registration could be conducted at a saving of \$35,000 each two years. These are only a few of the county offices, and represent a very small part of the county expenditures, yet the above figures show that a total annual saving of over \$60,000 could be made by changes in the method of administration.

Practically similar conditions exist in the various incorporated cities and towns of the county, so that, regardless of any elimination of duplication of work, there is possible a very large saving in public expenditures.

The county is operating in a general way practically under the same regulations and rules that governed it thirty years ago, or more. The population has greatly increased, conditions have materially altered, but the method of conducting county business remains as it was when Oakland was a village. Obviously the system is unfitted to solve the problems confronting a community of 265,000, a community that is growing probably as rapidly as any part of the State of California. Its population during the census years, commencing with 1870, has been as follows:

#### POPULATION OF ALAMEDA COUNTY

1870.....	24,237
1880.....	62,976
1890.....	93,864
1900.....	130,197
1910.....	246,131

Under date of August 14, 1911, Lester Herrick & Herrick presented a report to the Tax Association on the accounting system of Alameda county, from which I quote as follows:

At the present time there is no coordinating system of accounts which will exhibit either the financial position of the county or its relative operations in such form that consideration with respect to the matter of an economic expenditure of moneys can be successfully had.

The auditor's office is naturally assumed to perform the functions indicated by its title and to be a central accounting office, but, in fact, although maintaining certain important control over transactions, its records present practically no further information than is shown by the treasurer's accounts of cash receipts and disbursements.

An annual report is prepared which exhibits the cash transactions for the year in great detail, but without any information of costs or results. It must be understood in this connection that under the present methods, it is not practicable to prepare a financial report of the character provided for by the standardized method.

#### DEFECTS IN PRESENT METHODS

The defects in the present methods, when considered in the light of a modern standardized accounting system, are many, and we now only refer to those most important, as follows:

First.—The fact that the control of the auditor's office over the collection of revenue is not complete.

Second.—The fact that the auditor's office has no information concerning expenditures until after the liability is ready for payment, and the practical limitation of its approval to the consideration of the legality of the demand.

Third.—The fact that the auditor's office maintains no records which will exhibit the approved classification of expenditures.

Fourth.—The omission of any substantial record of accruing or uncollected revenues.

Fifth.—The omission of any accounting to enforce the accountability for the property of the county in the custody of its various officers. This relates not only to equipment, but to expendable and convertible supplies.

Sixth.—The fact that no records are maintained to exhibit the assets and liabilities and the relative incomes and expenditures.

Seventh.—The absence of any standard form of reports which will exhibit the revenues and the expenditures (as against receipts and disbursements), arranged in accordance with the functional activities of the county, and prepared in such a manner that the relative costs may be exhibited and, resultingly, the relative efficiency of the administration determined.

The accounts of the city of Oakland were also examined by Mr. Herrick, and from his report thereon I quote as follows:

Generally speaking, the city is entirely without provision for the preparation of reports of a form which would be continuously necessary to the progress



of a mercantile or public service enterprise, or of a character which is now recognized as being essential to the most efficient and economical administration.

First.—There does not exist a complete or comprehensive accounting organization with relation to the municipality as a unit.

Second.—The general efficiency of the prevailing accounting methods of the various departments is only nominal. This conclusion is reached by a consideration of all departments, the accounts of some of which are well arranged, but even in those cases they are subject to improvement, and the deficiencies existing in many departments reduce the average efficiency. Additionally, any efficiency which might exist in the department accounts as now arranged would be substantially nullified by the lack of a central accounting office which would control the accounts of all departments, and which would collate all results and reports.

Third.—The only general financial report of record is the annual report of the auditor's office, and while this is in many respects commendable as a statement of receipts and disbursements, it cannot be stated as a satisfactory financial report, upon the basis of proper requirements. No regular reports of any administrative significance are provided for by the prevailing methods. . . .

Fourth.—By reason of the absence of regular reports and documents, and of the means by which such could be prepared, we find that the accounts are of no substantial assistance to general executive control, with relation to economy and efficiency. We do not mean to infer that we have found a want of desire for economy and efficiency, but on the other hand believe that the departments are diligent in that direction, and in one department in particular a reorganization has just been perfected which will unquestionably result in a substantial increase in efficiency. Many of the departments and the general executives of the city as a whole are not provided with adequate means by which they can properly judge of the relative degree of economy and efficiency attained. . . .

Fifth.—We find that it will be necessary, provided a modern satisfactory accounting organization is desired, which would be directed toward the preparation of complete reports of administrative value, to create a comprehensive accounting procedure which will cover all operations and financial transactions with which the municipality is concerned. The present methods are so lacking in the proper requirements of modern methods that it would be uneconomical to attempt to effect any improvement by merely modifying or enlarging upon the present methods. . . .

In general conclusion, we are of the opinion that the accounts of the city of Oakland are not adequate or sufficient to record all transactions in a proper manner, or to result in the exhibition of information or reports of a character to properly assist in the general advancement of economy and efficiency.

The entire system of assessing is unspeakably bad. It represents no scientific or continuous policy, and can be vastly improved. The work of the Alameda County Civic Association in the correcting of assessments has been an extremely important development and an entering wedge for better assessments, but there yet remains

much to be done. The city of Oakland and the county of Alameda have both promised to publish maps based upon the Somers system of valuations, and the New York system of valuing improvements is under consideration. It is believed, however, that all of this assessing should be done from one office, and that under such a plan it could undoubtedly be accomplished much more efficiently and intelligently.

The general form of government in Alameda county at the present time is as follows: A board of supervisors is elected by districts, there being five members. The following heads of departments are also elected: County clerk, sheriff, tax collector, treasurer, recorder, auditor, district attorney, assessor, superintendent of schools, coroner, public administrator, surveyor and six superior judges. It will be noted that, under this system, there are practically no heads of departments appointed, and each department is independent of any serious control, being responsible only to the people. The cities in the county have different forms of government, Oakland and Berkeley being under the commission form, while Alameda operates under the provisions of the state law covering cities of the fifth class. The remaining incorporated cities and towns operate under the laws relating to cities of the sixth class. The various cities are equipped with their own assessors, auditors, treasurers, tax collectors, etc., etc.

Having a knowledge of these conditions, the Tax Association began the consideration of plans for a more efficient type of county government. Under the so-called County Home Rule Act, being section 4, article xi, of the constitution of the State of California, counties have the right to prepare for themselves a county charter. This charter must be presented by a board of freeholders, voted upon by the citizens of the county, and thereafter referred to the legislature for approval. Upon such approval the document becomes the governing law of the county. A careful study of this section by the legal committee of the Tax Association developed the belief that it was not adequate to meet the conditions as existing, and an amendment to it was prepared, permitting cities to delegate certain functions to the county, and, if desired, permitting the county to delegate certain functions to the cities.

Because of the uncertainty as to the final recommendations that will be presented, it is extremely difficult at the present time



to anticipate the deficiencies of the County Charter Act, and to so amend it at this session of the legislature as to make it possible for the Tax Association to work under it. The theory under which this investigation is being made is that it is not possible for a board of freeholders, within the period of one hundred and twenty days allotted by law, to prepare and present a charter that will be an adequate, efficient and scientific diagnosis of the situation, and embody a suitable remedy. It is believed that the investigation as outlined is the first investigation of the kind ever made in the United States, preliminary to the preparation of a charter. That such investigation is desirable, and absolutely necessary for ultimate efficiency, scarcely needs mention. The city of Oakland has found that it is not a simple matter to properly frame a charter, and no less an authority than its mayor confirms this statement in a recent severe commentary upon the document before the Board of Commissioners. His remarks grew out of the necessity for advertising an ordinance at a cost of \$25, to make possible the appointment of a \$65 clerk for a period of one month. The mayor at that time spoke as follows, after a lively discussion among the commissioners regarding the situation which confronted them: "Much as we might all like to go on a strike, we will have to go ahead with this business and do the best we can with the charter we have. It was compiled by a bunch of men who did not know what they were trying to do, and who compiled it with a paste pot and a pair of scissors."

Among a large number of suggestions submitted to the Tax Association for consideration, those presented by Mr. H. S. Gilbertson, assistant secretary of the National Short Ballot Organization of New York, seemed to offer the most feasible basis for the commencement of the campaign. For the purpose of education, and to attract the interest of the community, the Tax Association has published Mr. Gilbertson's suggestions in pamphlet form, under the designation: "Bulletin No. 7, being Suggestions for Consideration in Preparing a Charter for Alameda County." The aim of the Tax Association is set forth in the introductory remarks in this bulletin, in the following language:

For some time the Tax Association of Alameda county has had under investigation various ideas for increasing the efficiency of the city and county government.



The proposal long discussed of separating Alameda county and consolidating the cities in the western part of the county into a city and county government, has many objectionable features, and it has been the effort of the Tax Association to discover some plan whereby it would be unnecessary to divide the county. It is recognized that the rural population should not be asked to bear the burden of city taxation, and the effort of the Tax Association has been directed toward devising a plan that would:

(a) Consolidate, as far as possible, city and county offices.

(b) Leave undisturbed the identity of the various cities, so that they might, in purely local affairs, govern themselves.

(c) Give to the rural communities a more efficient form of county government without placing the burden of increased taxation upon them.

The plan, if it is to be a success, must achieve several results, among them  
(1) Greater efficiency, with consequent economy.

(2) Elimination of all duplication of effort.

(3) A more compact and centralized responsibility in distinction to the utter lack of system and division of authority now existing.

For the purpose of preliminary discussion the Tax Association presents from among a number of documents in its files an argument prepared by Mr. H. S. Gilbertson, of the National Short Ballot Organization of New York. Mr. Gilbertson was for a long period a resident of Oakland, and is therefore familiar with local conditions. This argument is believed to be, broadly speaking, applicable to local conditions.

It will be noted that there is a suggestion of county division contained therein, but with this the Tax Association does not fully agree, believing that it is possible to work out a consolidated government along lines indicated that will provide for the entire county without the necessity of any division.

In order to carry out this work intelligently, a body of trained experts must be secured to investigate carefully existing conditions in the various cities, and prepare a county charter for Alameda county that will thoroughly cover the situation.

The method of procedure will be the organization of a local staff of thoroughly competent investigators who will prepare reports which will be used as a guide in formulating the proposed county charter. In addition to the local staff, experts from other cities will be called into consultation. . . .

We would not place the building of a great ship in the hands of a farmer, nor would we expect a sailor to construct one of our modern hydro-electric plants, and if we were seeking an executive head for a great railway, we would not choose a teamster or a watchmaker. Yet we make equally as grotesque appointments in electing our public office holders.

Fitness due to temperament, education, and experience is lost sight of, and we elect men year after year who are utterly incompetent to fill any public office. This must be changed, and we must fill our public offices with men technically trained, who will advance under civil service and the merit system.

In order to secure these men, and in order that they may have an incentive to properly prepare themselves for the work, it is absolutely necessary that

the positions they fill will afford the same certainty of continuous employment and advancement, as is guaranteed to men of equal ability who enter the service of the large corporations. In short the public service must be freed of all political taint, and must be made equally as attractive as private service.

The preparation of a charter to be offered to the citizens of Alameda county will avowedly have as its basic principle the application of these standards.

It must be a document that will demand the same efficient service, clearly defined responsibility, unit costs, and accurate cost sheets that now characterize the best managed private concerns.

The proposal being put forward by the Tax Association of Alameda County at the present time, through its charter committee, is simply a request to the citizens of the county to subscribe, in sums of one dollar, to a fund of fifty thousand dollars, to be used for the purpose of making a complete and expert examination of all of the various departments in the cities and in the county, and from the information thus secured to prepare a county charter that will, as far as possible, eliminate the duplication of effort and create standardized methods of doing business. A campaign is about to be undertaken, with the assistance of practically all of the civic organizations in the county, including improvement clubs, chambers of commerce, merchants' associations, etc., for the raising of this sum of money. Subscriptions have been purposely limited to one dollar, in the hope that the interest of the entire community will be aroused. The recommendations that will be made will in all probability be revolutionary, and if they are to be accepted the people of the county must be educated beforehand to what they really mean. It is believed that an educational campaign of this character is an absolutely necessary part of this movement, because of the many radical changes that will in all probability be suggested.

That the plan set forth in Bulletin No. 7 contains many advantageous features there can be no question. It is unique in that it advocates the selection of a county manager, who shall be a man particularly fitted for the office, commanding a salary possibly as high as \$15,000 per year, and having under his jurisdiction the heads of the various governmental departments.

It is contemplated that the various communities shall elect their own local governing bodies, just as they do at present, and that from these local bodies there shall go to the central governing board delegates who will act as a county board. This board would appoint the county manager and a board of civil service

commissioners. It is contemplated that the board of civil service commissioners shall have an efficiency division, identical in operation with that of the Civil Service Commission of the City of Chicago. The only officials that will be elected by the county as a whole will be the superior judges and the district attorney. The superior judges would have under them, and subject to their appointment, the public administrator, clerk of the courts, and the sheriff. The district attorney would have a commissioner of accounts, appointed by him and reporting to him.

This plan admits at once of the short ballot for county officials. Under it there would, at no time, be over three names on the county ticket, *i. e.*, the district attorney and two of the six superior judges. The advantages accruing from such a ballot are too obvious to need explanation. The ballots for the various cities would become short ballots, because of the fact that practically the only officials to be elected would be a board of commissioners or trustees. All other officials would come under the appointive class.

To accomplish all of this will require the amending of the constitution of the State of California, the amending of the charters of the various cities and towns, and the adoption of a charter by the county of Alameda. Exactly what will be the scope of the proposed charter cannot be foretold at the present time. It may differ materially from the plan herein outlined, or it may follow it closely. In any event it means an investigation extending over a period of six months, thereafter a considerable period of time in which to write the charter, and this will be followed by the calling of a board of freeholders to present the charter to Alameda county. At that time the charter committee of the Tax Association will have a ticket in the field, pledged to present their particular document if elected. Following the adoption of the charter by the people it must go to the state legislature for ratification, and upon being ratified it becomes the charter of the county. It is estimated that it will require a minimum of two years to accomplish all of this, so that the best that can be hoped for is that a new charter for the county of Alameda will be approved by the legislature that meets in 1915.



## CHECKS ON COUNTY GOVERNMENT IN INDIANA

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BY JOHN A. LAPP,

Director, Indiana Bureau of Legislative Information.

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The county-township system of local government prevails in Indiana. Responsibility is divided between the county and township in strict adherence to the mixed origin of the state's political system. The predominance of southern immigrants which, as late as 1850, showed twice as many inhabitants of southern origin as of New England origin, gave greater importance to the county as the principal unit. The county and township together have a large measure of administrative power and this power is predominantly in the county.

There are in Indiana ninety-two counties varying in area from eighty-five to six hundred and sixty-one square miles and in population from 4,329 to 263,661. The constitution fixes the minimum limit of area at one hundred square miles below which counties may not be subdivided. The county in Indiana is in most cases a small compact area, the average size being less than four hundred square miles. The counties are subdivided into 1,017 townships varying from six to twenty-two townships to a county.

The constitution names the elective officers of the county as follows: clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner and surveyor and provides further that such other officers as may be necessary shall be elected or appointed.

While not specifying the board of county commissioners, the constitution confers "upon the boards doing county business in the several counties, powers of a local administrative character." These boards, which were established in the beginning of the state's history, consist of three members elected by the voters of the whole county but selected from districts. Besides these officers there have been created by law a county sealer of weights and measures, county health officer, board of county charities, board of children's guardians, county superintendent of schools, county board of education, county truant officer, county board of review and, most important of all, the county council.

County work in Indiana has been divided into seven different classes:<sup>1</sup> conduct of business, public works, public utilities, protection of persons and property, care of unfortunates, education and administration of justice. The power devolving upon the county officers and boards under these heads is enormous. The Indiana county is a large business affair. The total expenditures in 1909 for ninety-two counties were \$51,298,899.46 or more than a half million on the average for each county. The smallest county showed an expenditure of \$73,327.64 while Marion county collected and used \$5,380,691.11.

Among the particular duties imposed upon the county, in addition to the usual duties found in most states in connection with the conduct of ordinary business, the enforcement of laws and administration of justice which are carried on by the board of county commissioners and the respective county officers, the following may be mentioned: (1) The county has control of the construction and care of bridges throughout the county, and of all free gravel or macadam roads which have been constructed as county roads under the gravel road law; (2) the commissioners grant franchises for public utilities and regulate the construction of telephone and telegraph lines along public highways; (3) the county is the unit for the enforcement of the health laws of the state outside of cities and towns and for the collection of all vital statistics and for the enforcement of honest weights and measures; (4) the boards of children's guardians which are appointed by the circuit judge have extensive powers in the matters relating to delinquent, truant and deserted children; and over all the county charities, the board of county charities, also appointed by the circuit judge, exercises supervising powers; (5) the county board of education appoints the county superintendent and county truant officers. The county superintendent has entire supervision of the schools outside of cities and towns; (6) the county is the tax-collecting agency of the state. All state, county and township taxes, and in some cases city taxes, are collected by the county treasurers and paid over to the respective units.<sup>2</sup>

With this passing view of the particular and general functions of the Indiana county, we will now proceed to the main theme of this paper—the checks on the conduct of county business.

<sup>1</sup> Davison, *Government in Indiana*, p. 11.

<sup>2</sup> The county treasurer is the city treasurer in cities of the first, second and third classes which are county seats.

*Local Checks*

The core of county government in Indiana is found in the board of county commissioners. These officers exercise a tremendous power. Their duties are largely executive and administrative. They have full control of the county buildings, roads, bridges and all other county property; they let contracts for supplies for all purposes; mark the boundaries of townships and election precincts; audit accounts and allow all bills of all county officers. They are road superintendents of the county roads, each commissioner being assigned to a certain district of the county;<sup>3</sup> they appoint many officers including the county attorney, county physician, superintendent of jails, workhouses and asylums, superintendent of weights and measures, and election and registration inspectors and clerks for each precinct. Little can be done without the approval of the commissioners. When the power of control is not given to them directly or to their appointees, their approval is required either directly or in auditing and allowing accounts. They meet monthly for the transaction of business and in special meetings whenever necessary.

Until 1899 the boards were unchecked by any state or local authority. The large powers which they exercised led to many grave abuses. The office offered opportunities for graft and promoted inefficiency in many ways. County government became a scandal throughout the state and culminated in a political issue in 1898. The county and township government commission, a voluntary organization, set forth the conditions in the following resolutions:

The numerous evils attending the transaction of county and township business under the present laws—the improvident contracts for the construction of court houses, jails, bridges and other public works, the excessive and demoralizing distribution of the poor fund in many localities, the arbitrary power of township trustees in levying taxes, the wasteful expenditures of public moneys upon the highway and in the purchasing of unnecessary and worthless supplies for school and other purposes, the secrecy and irresponsibility which so often attend the management of public business—all these things call for a radical change in the laws for the administration of county and township affairs. Such a change has been advocated in the platforms of both the leading political parties of the state, and this commission, composed of delegates chosen by the State Board of Commerce, the State Bar Association, the State Federation of Labor,<sup>4</sup> as well as of certain senators and representatives, and others designated by Chairman Hernly, of the Republican State Central Committee, are now en-

<sup>3</sup> After January 1, 1914, the county commissioners will appoint a county road superintendent under a law of 1913.



gaged in considering measures for the reform of these laws, and earnestly ask for written suggestions in reference to this subject from all persons interested therein.

Governor Mount said in his biennial message:

The need of reform in laws and methods of county and township government is manifest to all. There are not the proper safeguards around the powers delegated to the county commissioners. They have power to levy taxes, make contracts, spend money, make allowances and audit the books. . . . The prodigality with which county funds are expended in some counties is the outgrowth of following precedents on the ascending scale. I believe it safe to conclude, if proper safeguards are placed about these offices, and wise business and economic methods adopted by counties, courts and townships there could be a saving of twenty per cent.

The legislature after a sharp fight, in which party lines were drawn principally for political effect, enacted the laws providing for the reform of both county and township government. These acts established the county council and the township advisory board, designed as checks upon the unlimited powers of the county commissioners and township trustees especially relating to finances. By the county reform law, which remains with only slight amendment, the county council was made to represent the people of the whole county as well as of certain districts. Seven members are provided for, three to be chosen by the voters of the whole county and four to be selected by the voters of the councilmanic districts. They serve at a nominal compensation. This council is the tax-levying and money-appropriating body for the county. It is in this respect the legislative authority. No money can be drawn from the treasury except on appropriation by the council; bonds are issued by the council and the borrowing power is exercised only by them. The council thus stands guard over the treasury. Their work is negative. They have no constructive power, but wherever they have been alert and active, they have been able to keep the county finances from being dissipated. Their chief power consists in their control over the budget. Indiana counties come as nearly in theory to a scientific budget as any municipalities in the country. The law specifies the forms and date for the budget. Every county officer, board, or court, is required to file carefully itemized estimates of their expenditures for the coming year before the Thursday following the third Monday in August. These estimates are compiled by the county auditor and presented to the council at their annual

September meeting. The council may require further specifications from any officer. Indeed there is no fact relative to the needs of any office which is not required by law or which may not be required by the council. The council is thus in a strategic position to exercise a wholesome check upon all county government.

In the practical administration of the law for the last fourteen years, the council's work has, in different counties, been good, bad and indifferent. Given a council of capability and of zeal for public service, and the opportunities for effective work which the laws afford are many; but it too frequently happens that the right kind of men cannot be found or cannot be induced to accept the onerous task which an efficient conduct of the office places upon them. It was freely predicted by the enemies of the law that the council would be filled with incapable men who could be easily controlled. In some cases this has been true. The council is sometimes narrow, seldom profligate from choice. Often, however, they are indifferent and do their work in a perfunctory manner. The system offers opportunities for efficient service but it does not insure that the county business will be scrutinized with the care that the law intended. The county council has done good service but is not a guarantor of efficient and honest county government. That this statement is true is evidenced by the demand which brought the state board of accounts into existence in 1909.

### *State Checks*

*General.*—The state has only slight control over the county in the enforcement of the laws. Sheriffs are elected by the people and prosecuting attorney by the judicial circuit; and although recognized as state officers, for the enforcement of state laws they are not subject to direction by the governor or other state officials. Recently the governor was compelled to order out the militia to enforce a law against race track gambling, because he had no authority to compel the sheriff and other local authorities to perform their duties. There is no power of removal of any county officer by state authorities as in New York and other states, nor any effective power of direction. As far as general enforcement of law is concerned, the county is practically unchecked by the state. There are, however, many checks in different phases of administration and there is a marked and rapid extension of these checks.



*Accounting.*—The state established in 1909, a state board of accounts with power to install uniform systems of accounts in all county as well as other local offices, and with powers of close inspection and supervision of accounts. The reasons for the establishment of this board were connected largely with county government where, despite the county reform act, there were numerous evidences of crooked and inefficient management. The board took up its work in the spring of 1909. The records of the office since that time show more than one million six hundred thousand dollars charged against local officials and partly recovered. The board states that in their belief fully ninety-five per cent of this was not due to deliberate wrongdoing but "to an indulgent indifference, resulting in an almost endless confusion producing incomplete records and incorrect accounts." The board has taken a hand in standardizing all forms for county work and their efforts have resulted in checking, not merely the evils of accounting, but also of contracts and the purchase of supplies. The law has been successful to a high degree and has been strengthened during each session since its adoption.

*Taxation.*—Local power to tax is limited as is also the power to borrow. The borrowing limit is fixed by the constitution at two per cent of the taxable property, and the taxing limit is fixed in general and special laws, sometimes with both a maximum and minimum limit but usually with only a maximum limit. Important powers are given to the state board of tax commissioners in equalizing assessment of property for taxation, and especially in passing upon appeals from the assessment made by local authorities. Any party aggrieved may appeal from the county board of review to the state board.

*Other Checks.*—In public health and charities, the state exercises a supervising control through the state board of health and the board of state charities. Local health officers are deputies in the enforcement of the state health and pure food laws and in the enforcement of the weights and measures law. All county institutions are subject to visitation by the board of state charities and reports are required to be made. In most cases, however, these powers are merely exercised to enforce state laws and not as means of control of county business.

The county is also the unit of supervision of public schools, but here again the state is the final authority. An appeal lies directly



to the state superintendent of public instruction from decisions of the county superintendent. The power of examining and certifying teachers is being rapidly transferred to the state superintendent and the state board of education.

### *Conclusion*

Ample machinery exists in Indiana to keep public officials from departing very far from the paths of rectitude. County business must pass the scrutiny of so many public officers and boards in the county, to say nothing of the examinations by the state board of accounts, that it is hardly possible for graft and other crooked practices to exist. Comparable statistics prepared by the state board will soon show also where inefficiency and waste are draining the public treasury. Thus far county reform has been in the nature of prevention. There are ample negative powers to keep official business from going wrong, but very few to make local officials do the right things and do them effectively. Public opinion rightly directed by the known facts as shown by the comparisons available through the state board of accounts, may supply the one element necessary to make county business both honest and efficient.

## THE MOVEMENT FOR COUNTY REORGANIZATION IN NEW JERSEY

BY WINSTON PAUL,  
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During the year 1912 there was an awakened interest in the problems of county government throughout the State of New Jersey, and a number of the twenty-one counties voted to change the form of county government by substituting a small county board of chosen freeholders for the old system of large and unwieldy boards; the former being elected at large in the county, whereas the old boards were elected by districts. The advocates of the new form of government asserted that it would fix responsibility more definitely, and its adoption was opposed by the machine politicians. While the new boards have been in office only a few months and in some counties have been handicapped by the fact that the old boards have questioned the legality of their successors in office, the results have not been as satisfactory as the proposers of the new plan had expected. It is already apparent that the habits of extravagance of the former boards have been handed down and adopted by some of the new small boards of freeholders. Possibly one reason the new plan has not worked out better is the same factor which has frequently served to defeat increased efficiency in city administrations when commission government has been adopted, namely, that the citizens of the community have thought that, by the simple adoption of a certain form of government, they would, by that fact alone, secure efficient and economical administration. Better government is obtained only by the election of honest and competent officials, guided and aided by a constant watchfulness on the part of citizens.

The question of the legality of the new small boards has been carried into court and on the 11th of March the supreme court of the state decided that the adoption of the smaller board act, which was submitted to a referendum election in each county where it has been adopted, was illegal, in that the voters passed on an act of 1902 which had been so amended in 1908 as no longer to be applicable to the counties which voted thereon. There could therefore be no con-

currence on the part of the voter with the act of the legislature. The new small boards were accordingly put out of office except in two counties, Hudson and Essex. At this writing a new bill is being drawn up for passage by the present legislature for the purpose of remedying this situation which nullifies the clearly expressed wishes of a majority of the voters in the several counties in favor of small boards of freeholders. An effort will be made to incorporate some new features in this act.

In only two counties of the state is an earnest and efficient effort being made by citizens to cope with the problems of county government and to meet the opportunity afforded by the changes in the form of administration of county affairs. Essex county, the wealthiest county in the state, which includes Newark, Montclair, and the Oranges, is entirely devoid of cooperative action on the part of its citizens to better the conditions of county government—or for that matter, municipal government either. Hudson county has an earnest and progressive body of men who have an incorporated organization known as the Citizens' Federation of Hudson County, and Bergen county has a vigorous organization known as the Federation of Civic Clubs. Outside of these two counties there is a regrettable lack of cooperative action on the part of voters to improve or to constructively study the form and methods of county government.

At the present time New Jersey offers a most unique opportunity for a constructive treatment of the problems of city and county government. Last fall the democratic party pledged itself to the calling of a constitutional convention. That party is now in control of both houses of the legislature and if it fulfills its party pledge by calling a convention, it will be possible to effect many changes in the constitution in the state which will be of incalculable aid in simplifying the public business. The calling of such a convention would afford a signal opportunity for an original and business-like treatment of the whole problem of county government. It would then be possible to allow each county to determine its own form of government and those counties having more progressive sentiment on the subject would not be held back by the less advanced thought of other counties.

The calling of a constitutional convention would be a great opportunity, but the reform of the jury system of the state is New Jersey's most crying need and her greatest danger. The jury system has for many years been the football of politics. The sheriff controls



absolutely the selection of grand and trial juries and it is notorious that in many counties this power has been brazenly employed to defeat justice and to maintain a corrupt machine.

At the present time the sheriff has unrestricted power to name those who are to serve on a particular grand jury, and with the knowledge that a certain case is to be taken up, a grand jury may be "packed" in anticipation of the consideration of such a case. As under the state constitution the sheriff cannot be re-elected, the voters cannot express at the polls their condemnation of this misfeasance, so during his three years he can be as arbitrary and as absolute as a Russian czar. Every other state, with the exception of one, has refused to continue this aristocratic power in a democratic community. Nominally the sheriff is an officer of the state; actually neither the governor nor any other state official has supervision or power of removal of the sheriff. It has been found necessary very recently in two counties in this state for the court, in the name of justice, to step in and take away from the sheriff the power of drawing grand jurors. A commission appointed by the legislature of 1912 to inquire into the jury system of the state has reported "It is very important that the present method (of selecting jurors) should be abolished and that a more modern and intelligent system should be adopted."

This issue of jury reform is fundamental and so long as the present intolerable condition continues, the best efforts for the improving of county or municipal government will be thwarted.

The two propositions of calling a constitutional convention and of the passage of a jury reform bill are contained in the platform of the democratic party, the dominant party in New Jersey, and both questions are before the legislature of 1913. If these two matters can be settled satisfactorily by the legislature, New Jersey will enjoy an exceptional and a splendid opportunity for progressive statesmanship in the field of county and municipal administration. In order to utilize this opportunity there should be a cooperating body of citizens in every county in the state, or else a strong state organization for the purpose of informing voters, arousing public sentiment, and of guiding and directing official action.<sup>1</sup>

<sup>1</sup> Since writing this paper the Legislature of 1913 has adjourned *sine die*. The Governor has announced that he would recall it in special session the first of May for the purpose of carrying out the pledges of the party platform on the subjects of jury reform and constitutional revision, on neither of which matters did the legislature take any action.—EDITOR.

## COUNTY GOVERNMENT IN NEW YORK STATE

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To state governmental problems with absolute accuracy is very difficult. Local conditions create many modifications which apply to almost any general principle of government that may be laid down; and even the most widely prevalent problem, if stated in sweeping terms, may not be recognized at all in some far separated portions of the geographical or civil division, wherein its existence is general. Nevertheless even a superficial study reveals several prominent and serious defects in our county system of New York State, which, I think, will be generally admitted. Some jurists, with whom these features have been discussed, have declared the defects vital. Be that point as it may, it can easily be shown that they are of such nature as to call for expeditious and grave consideration.

In New York State, as in most of our states, there appear to be two basic faults in the county system. One of these, whether the more or the less important of the two, is that the territorial limits of a county are usually entirely arbitrary, amounting merely to surveyors' lines. The territory included within such limits has no particular unity, and the population within the bounds of the county has no common interest other than to keep the county taxes down to as low a limit as possible. Even this interest is not inspired of any common loyalty to county administration. Perhaps oftener than otherwise it takes the form of resentment and objection—engendered at the time of the presentation of the tax bill and lasting only until a little while after the taxes are paid—against the various phases of administration that have helped the taxes to accrue. There is no common feeling of interest in or loyalty to a county to be developed from such a source.

The other basic defect is that a county of New York State has no head. This point has been discussed in a previous article on county

government in this magazine.<sup>1</sup> It was pointed out there how the various departments of county government, particularly in the larger counties, are independent of one another or of any central authority; how each department's chief administers the affairs of his department in his own way; how the indefiniteness of the statutes enacted to regulate these various departments permits wide variation in administrative practice; and how, in some cases, actual conflict of statutes renders it almost impossible for an administrative officer to comply with any law but what he himself adjudges to be the proper one.

An extended analysis and classification of the functions of the various county officers shows a surprisingly large number of such functions to be in reality services for the state; that is, the regulation of local affairs under state supervision and state direction, even though performed by officials elected from the county by county vote. Many of the so-called county officers are direct subordinates of state officers. A state official, under central control, is not a local representative of the people within the territorial jurisdiction to which he is assigned or from which he is elected. To elect a local officer by the locality vote, with the purpose in the mind of the voters that he shall serve local interests, but to have him by the fact of his election made an officer acting under state authority makes his position anomalous.

Not only the American nation as a whole, but also all our civil divisions down to the smallest village have some kind of a central interest to unify each such division and the population of such division into a distinct political entity—except the county. The county, as it exists, appears to be rather an administrative subdivision of the state than a locally autonomous group of people or of communities. As to what the functions of the county ought to be in this respect, or were intended to be, those most competent to decide such a question do not themselves appear to be clear. I have not been able to trace satisfactorily, as yet, the history of what a musician might call the "county motive" present in the minds of the statesmen responsible for the erection of the county systems of New York State. But the present resultant county structure resembles an attempt to subdivide the state for the facilitation of central administration, but to accomplish the purpose by creating in the minds of the residents and taxpayers of the county the belief that they elect their

<sup>1</sup> THE ANNALS, May, 1912, pp. 194-197.



own county officials to carry out principles of local self-government. The nation has its legislature, its judiciary department, and its chief executive appointing his own departmental heads, and nominating and appointing thousands of other officials. The state has its legislature, its judiciary, and its chief executive appointing many departmental and subsidiary officials and exercising much control over them. The county, in New York State, has a sort of non-descript legislature (the board of supervisors), a judiciary, and *no* executive head, and *no* distinct central control. A township has a modified form of commission government with a chief executive (the supervisor) with a considerable amount of central authority over township matters. A village has its legislative council, its local judiciary, and its chief executive who has a large degree of central authority over village matters. The city has its legislative body, its judiciary and its executive head with a degree of authority over city matters proportionate to that of the governor over the state, of that of the president over the nation.

Why do we sustain and try to warp into a condition of efficiency a governmental structure so widely different from the general American plan as that of the New York State county? It is a broken link in the chain of administrative systems that go to make up our American commonwealth. What good reason can be advanced for creating a municipality, as large and important as the county, and not erecting within it and over it a government corresponding in its general features to that plan which we use in every other municipality or civil division throughout our country?

If county matters, as we know them, are primarily state matters, why not make the primary basis of county government an out and out state-deputy system without any pretense at local autonomy? In reality, it is not absolutely clear why state-deputy rule for counties would not be the most efficient kind of rule. But even with state deputies there would have to be a central directive power for the county district to guard different departmental deputies from conflicting or overlapping duties and responsibilities, and to make sure that no necessary governmental service be overlooked or omitted through uncertainty on the part of individual deputies as to within whose jurisdiction such functions or duties might lie.

If, on the other hand, the county is to be a local municipality, which the county law declares it to be, but which other laws and

various processes of administration make it appear not to be, then it would seem to be the wiser plan, as we have suggested, that the county should be organized on the general plan of the other local municipalities. A chief county executive, be it either a single official or a board, whose powers over county matters would be similar in general to those of the chief executives of other municipalities over their local affairs, or, proportionately, to those of the governor over the state, or to those of the President over the nation, would seem to be the first step necessary to create and unify interest in county administration. The county judiciary we already have, though there may be room for improvement. The county legislature might be made much more effective by relieving it of some of its executive functions and conferring upon it legislative powers subordinated to and consistent with the basic laws of the state and nation, but complete so far as they concern county matters.

In this criticism of the county structure, it is not contemplated that the only thing to be done is to reorganize counties on the general plan of American commonwealths. Nor is it claimed that the president and council plan is the only efficient method of centralizing and unifying county administration, and of creating or solidifying popular interest in the county, or of creating popular loyalty of the character that exists in a village or a city or a state. The same kind of centralization, perhaps a better type, may be brought about by the commission plan. Some new type of government may yet be proposed that will fit the requirements of a republic and yet accomplish the desired unity, efficiency, and centralized interest to a degree not yet conceived by our constructive students of such problems. Moreover, it is not necessary in criticising the *structural* character of county government to include a list of the things that county government ought to accomplish after it is perfected—such, for instance, as detailed study of community needs, investigation of child labor conditions, study of school problems, sanitation, enforcement of pure food laws, scientific regulation of recreations and amusements, or welfare work or economic reconstruction in general. Such things should, of course, be contemplated in the development of a plan to create efficiency under whatever political structure has been once established. The object of the suggestion that the county be placed under the same general type of organization as other municipalities is to put it in a position to carry out these



various purposes with a degree of efficiency which it cannot exercise under its present disorganized condition of a dozen or more different departments, each carrying on its own functions in its own way.

However, the saddest and most discouraging feature of constructive political plans, or of completed governmental machinery when finally erected, is that officeholders do not show an inclination, except in rare instances, to make the most of their opportunities for serving the interests of the community which has chosen them. Human inertia, if that is the correct term for it, seems to keep the well-disposed officials from performing any acts which the law does not expressly compel them to perform. Other motives, of course, cause the opposite type of public officials to take advantage of every opportunity for personal gain which the law and its penalties do not render impossible.

Much might be accomplished in the way of political unity, of solidifying county sentiment, of advancing uniformity of administration, of spreading a common understanding, or at least a common interpretation of county law and of various other laws pertaining to county government by periodically recurrent county conferences of local officials. To illustrate: If we are to go on under our present system in New York State, the tax assessors, for instance, of the various localities might come together at the county capital annually before beginning their tax rolls. In conference there (at which it would be extremely advantageous, if possible, to have present a state official, expert in his knowledge of the tax law), they should reach a common understanding of the exact steps to take in making out their tax rolls, and of the exact ways in which property should be listed on the rolls, in order to conform fully with the tax laws. This annual meeting would undoubtedly give them knowledge and instruction sufficient to enable them to avoid a large majority of the illegal assessments that now prevail upon the local tax rolls, which assessments the courts find no difficulty in setting aside. They might meet again after their rolls were finished to compare their labors, correct structural errors, and arrive at uniformity. The collectors and receivers of taxes might have similar meetings to arrive at a uniform method of making out tax bills, of keeping their accounts, of making their returns to the county treasurer, or other proper official, and to satisfy themselves that such returns may be properly certified. Upon the correctness of these returns rests in large degree



the value of their municipality's assets of tax arrears. The town clerks of the various townships might meet at a county conference at the county capital at least annually for discussion of various phases of their official duties, and learn from the experience of those older and more competent in the service, and likewise have present, if possible, a state official, expert in the knowledge of the duties, responsibilities, privileges and powers of town clerks.

The town supervisors have the advantage of meeting at the county seat frequently during the year for purposes of central county administration. Unfortunately they do not as a rule take advantage of these meetings to discuss the problems of local administration and to learn, one from another, or from state instructors, as mentioned above, the proper interpretation of statutes directing the local functions of their offices, or the most efficient and economic methods of conducting the various phases of their local duties. Thus the supervisors themselves lose a great opportunity to secure tremendous advantages in the line of efficiency and economy. Of course present laws do not require such conferences, and probably only an interest in serving well the people who have elected them to office would cause such officials to hold such conferences.

It is needless to give further illustrations of this type. The gain to be had in efficiency, in economy, in the development of official knowledge and skill by these experience meetings would be difficult to estimate. The resultant confidence, personal satisfaction on the part of the officials themselves, and appreciation on the part of the public, any thoughtful mind must be able to foresee.

A very badly managed element in county administration is the financial provision made for the support of governmental operations. The laws themselves, providing for these things, are largely to blame. The provisions made are general and permit lax methods of budget making and the accumulation of wasteful charges against the county. They do not provide for any competent method of auditing bills or of furnishing the auditing boards adequate information regarding the propriety of charges upon which they are obliged to pass.

The methods of accounting for county funds are equally defective. Up to the end of the nineteenth century, the finances of counties and smaller municipalities were, with few exceptions, in most wretched condition. In recent years the New York legislature has empowered

the state comptroller with a general supervision over the accounts of most of the smaller municipalities and civil divisions and has provided him with a small corps of inspectors or examiners whose duty it is to travel about the state and audit the accounts for the various municipalities. The comptroller himself is authorized to prescribe a uniform system of accounts for each class of municipalities,—that is, a proper system for counties, a proper system for townships, etc. The few accountants at the service of the comptroller are, however, unable in the course of a calendar year to cover more than a small portion of the great number of municipalities in New York State. Thus a large percentage of the comptroller's power to install and to regulate uniformity in these matters throughout the state becomes book power only, being foreshortened by the inadequacy of the forces provided for its execution. He needs a force of at least fifty men to serve all the communities on his list adequately. The comptroller has, however, already accomplished a great deal in the direction of classified, functionally segregated budgets and uniform systems of accounting for the different grades of municipalities under his jurisdiction. Systems being installed by him throughout the state are much in advance of the old ways of providing and accounting for municipal finances. The great faults with the comptroller's systems are that they do not go far enough, that they are not universally adopted, and that with the limited force at his command, he cannot adequately supervise them. It is to be hoped that in any reorganization of the county system in New York State these defects will be remedied.

A proper statutory provision for correct financial administration should take cognizance of at least two elements: first, the right of both the general public and public officials to know; and second, the character and details of the knowledge which such a right comprises. The public officer must have the information before him for his proper guidance. The citizen, the taxpayer, the general public, must have similar information before them to enable them to form judgment concerning the following topics:

- (1) The efficiency and fidelity of public officials and employees.
- (2) The quality and cost of the public services rendered (from which may be determined the economy or waste in the various functions of administration).
- (3) The condition of the public estate at any time.



(4) The propriety of the distribution of service and expenditure among the various community needs.

Efficient administration, economic administration, demands that prior to the beginning of the fiscal year a careful financial plan covering the entire year shall be fully developed and elaborated as minutely as possible in all its details and that the plan shall be adopted by the governing board or legislative body, subject to a provision of law that no detail of expenditure set forth in this plan shall be exceeded by any department without further specific competent authorization of such expenditure. Of course this means nothing more nor less than a scientifically prepared annual monetary budget providing for the expenses of county government. Emphasis is laid upon this point because of the great laxity in existing prevalent methods of budget making. Up to the present, it has been customary to estimate about what the county government will cost, provide a lump sum for each department, and spread the total amount upon the tax roll. This method, of course, leaves to the discretion of departmental officials all question as to how the expenditures shall be made. It leaves entirely to their ability to control their own constituents and to their own standards of honesty the question of how much graft it may be politic for them to derive from the management of their various departments. A scientific plan of budget making, on the contrary, provides a full program comprising:

1. A detailed statement showing:

- (1) A complete list of the services needed by the county.
- (2) The things the government intends to do for the county.
- (3) The relative importance of these things.

2. A careful estimate of the cost of each of the proposed achievements, showing:

- (1) The cost of the whole operation of the government for the year.
- (2) The cost of each separate governmental operation.
- (3) The cost of each principal detail or line of endeavor of each such governmental operation.

Together with such proposals there should be furnished for public information the plans made for financing the foregoing program. Such plans ought to show:

1. A statement of the necessary appropriations (authorizations to be made for expenditures) of funds for each such estimate for the ensuing year.



2. A statement of the amounts of revenues and balances to the credit of the municipality, applicable to meet the expenditures authorized, and the total amount of such resources.

3. A statement of the amounts necessary to be raised by taxes for each such purpose, and of the whole amount so to be raised for all such purposes.

4. A list of all other sources from which revenues are to be derived, stating the amount to be raised from each source to the total amount so to be raised.

The mere adoption and publication of a financial plan, however, known as the budget, made before the year begins, to govern the expenditures for governmental operations during the year is not all that is needed for good fiscal administration. In addition, both the public and its political servants must, as the year progresses, be kept informed as to how the plans thus outlined and published are working out and as to the character of the results being obtained from the uses of the public funds authorized in the plan. Therefore it is necessary that there shall be at stated periods during the year a public accounting, published in an inexpensive form, disclosing accurately and fully the following information to anyone seeking it.

1. The exact financial condition at the beginning and that at the end of the accounting period (current balance sheet).

2. The actual cost of each operation or line of endeavor and of each detail or function thereof during the period.

3. A comparison of such cost with the cost of similar items for similar previous periods.

4. At the end of the last accounting period, such information given in totals also for the year.

Perhaps once every three months would be often enough to make such information public. Certain departments in certain counties are accustomed to publish quarterly reports. For example, county treasurers publish quarterly statements of receipts and disbursements, but the receipts are usually total receipts, and disbursements are usually long lists of warrants on the treasurer for various expenditures unanalyzed and not conveying to the public further information than that such amounts have been paid. Enlightenment as to why they have been paid and what need there was for the payment, such reports do not furnish.

Periodical accounting, however, even though full and correct,

conveys to the public only the knowledge of the current progress of the financial plan. At the end of the fiscal year, which the financial plan was designed to cover, a different character of report is essential. The annual financial report should show the actual handling of cash and current funds, in such form that the taxpayer may compare actual receipts for the entire year with the revenues contemplated in the budget statement at the beginning of the year and actual disbursements for the entire year with the expenses provided for in the budget.

The annual statement should show the following details:

1. Receipts:

- (1) Net receipts for the year (exclusive of funds transferred from one account to another).
- (2) What parts of such receipts are from the proper revenues of previous years.
- (3) What parts are from the revenues of the year just closed.
- (4) Along with (3) should be stated the amount of the current revenues still outstanding.

2. Disbursements:

- (1) What were for bills of the current year.
- (2) What were for bills held over from previous years to be paid out of current funds.
- (3) Total net disbursements (exclusive of transfers from one fund to another).

3. What balances remain on hand from each item of appropriation, showing:

- (1) To what extent and for what purposes such balances are held in reserve.
- (2) To what extent they are free for appropriation for other uses.

Somewhere in the annual report a statement should be displayed of the actual financial condition of the county at the end of such fiscal year including all realizable assets and all standing liabilities. Professional accountants would probably recommend that this statement, which is merely the annual balance sheet, should be placed at the beginning of the annual report.

Having spoken of the assets and liabilities of a county, it seems essential at this point to refer to certain accounts which municipalities carry on their ledgers as available assets, but the realization of which

becomes more and more dubious every year, namely, the uncollected tax levies of two or more years' standing. Many of these are based upon forms of assessments which the courts have repeatedly declared invalid. Their collection cannot be enforced at law. It is only hoped by the municipality that in case of possible sale of the delinquent property the owner will pay up all arrears in order to give clear title to the purchaser, or that by holding over the delinquent property owner the prospect of long litigation, to defend his non-payment of taxes, thus making accumulated legal fees much more costly than the amount of the taxes themselves, he will choose the alternative of paying the taxes rather than fighting them through the courts. Both of these are slender foundations upon which to base the hopes of realizing such assets. Indeed a very recent decision of the Appellate Court of New York State—in which all the judges were unanimous—probably renders invalid all tax sales held in the county of Westchester since 1896. In this county, therefore, the total reduction of municipal assets through this decision may amount to millions of dollars. Consequently, such assets as these, the county and its various municipalities should either write off as losses (as an ordinary business man would) or else take steps, as some of the more progressive counties in the state are now attempting to do, to reinforce the validity of such assets by revising methods of assessment and levy of taxes in such a way that every such asset will be worth its face value.

A municipality that can produce a balance sheet, showing its exact financial condition, its assets and liabilities stated at their actual value, has very little trouble in disposing of its bonds or certificates of indebtedness when it is necessary to go to bankers for the purpose of raising money by such means.

Though perhaps not needed for the purpose of clarifying the foregoing argument, the following specimen of county accounting will undoubtedly prove entertaining to readers of this paper, and cannot fail to emphasize the need of revised systems of records and reports. It is taken from the actual showings of a large county of New York State. The first two columns are made up from published county reports. The third column is made up by an independent investigator from actual examination of the paid vouchers on file in the county offices. The figures are from a recent year and the discrepancies shown are about on a par with those of other years:



Department or Function	Budget Appropriation (published)	Treasurer's Report (published)	Actual Expenditures (not published)
Board of supervisors.....	\$25,600.00	\$32,183.78	\$65,196.75
Surrogate.....	16,000.76	15,724.95	20,182.18
Treasurer.....	7,500.00	7,500.00	19,991.16
Register.....	none	1,210.00	35,257.69
District attorney.....	10,300.00	10,300.00	13,826.75
Sheriff (exclusive of jail).....	20,100.00	24,456.39	35,841.38
Justices and constables.....	none	none	9,661.60
Coroners.....	8,000.00	8,000.00	18,543.36
Superintendent of the poor (all purposes)	17,845.61	108,906.58	118,464.33
Courts.....	100,000.00	113,873.54	161,334.47
County buildings and grounds.....	4,936.73	5,616.05	19,088.46
Armories.....	15,190.00	14,280.49	15,698.68
Jail.....	5,400.00	8,937.93	14,950.06
Highways and bridges.....	none	38,200.97	43,075.78
Election expenses.....	none	none	69,712.79

Of course the above items do not include the complete statement of the county's disbursements. They are only selected items. A large item provided for in the budget as "County audited bills, \$237,663.06," has been mostly classified and distributed, by the investigator, among the items in the third column above. But there is no correspondence between the total amounts, even with the reported budget and the reported disbursements given in full. Nothing more need be said as to the need of better accounting and reporting.

The reports of the comptroller's examiners regarding the counties they have visited show similar conditions prevalent in various parts of the state. Therefore the example given above may be taken as fairly typical of New York State's county finances.

There are many other problems and phases of county government to be considered in a complete plan of reconstruction, but the foregoing features seem to be most prominent and most important. New York State may well take lessons from some of its younger sisters in the management of such matters. All the states should hail with enthusiasm the bold advances being made in county government reform by the Pacific members of our Union, California and Oregon. The proposals of Oregon are radical in the extreme, but I cannot help regarding them as based upon common ordinary business sense, stripped of the restrictions of canting sentiment and throwing down fearlessly some of our badly built walls of precedent.

The Oregon plan is building anew instead of shoring the tottering old with clumsy props.

Mr. Thomas L. Hinckley, director of the Westchester County Research Bureau, says in a recently published bulletin<sup>2</sup> that the admission of county shortcomings in New York State is general, and that the remedy is within the easy reach of the people. "The worst of it is . . . that most persons, including administrative officials, are inclined to sit helpless under the load and profess inability to mend matters" in New York State. "In California, they have gotten bravely past this infantile attitude. . . . As an example of what an intelligent American community can do towards raising the status of local government, the Los Angeles county charter is the most inspiring document which has appeared in many years. It marks an epoch in local government in the United States. The very idea of a county charter would seem revolutionary to many citizens in these parts, and that such a thing has actually been adopted by a progressive electorate will scarcely be believed."

What the Californians can do, what the Oregon people can do, what other progressive states can do in local government reform, New York ought to be able to do. If the younger states can progress so far, the older states, particularly one of the oldest and the wealthiest and most populous of the Union, ought to be able to advance much farther on the road of genuine progress.

<sup>2</sup> *Efficiency in County Government—The Los Angeles County Charter.*

## STATE AND COUNTY GOVERNMENT IN OREGON AND PROPOSED CHANGES

BY W. S. U'REN,  
Counsellor-at-Law, Oregon City, Oregon.

The present plan is the same as that in most other American states.

There are sixty representatives and thirty senators, every one having the power to introduce or propose amendments to appropriation bills. At the recent session more than one-half of the senators and representatives came from districts seeking appropriations for the maintenance or establishment of public institutions to be supported by state funds. The result was the usual log-rolling combination for excessive and unnecessary appropriations. No officer is responsible for the maximum of the appropriation bills. Neither is any one officer or department responsible for the expenditure of the money appropriated. There is no centralized responsibility for efficient or economical administration of the state government as a whole.

The county government is run on the same general lines. No one officer nor office is responsible, directly or indirectly, for efficient or economical expenditure of county funds. The county court, consisting of two commissioners and the county judge, is supposed to govern expenditures. But the sheriff, assessor, clerk, recorder, treasurer, school superintendent, surveyor and coroner are all elected as independent officers and in a very great degree are independent departments. No officer in the government is chosen because of his recognized ability as an executive, or because of his known efficiency as an expert in his department.

The tax levy is supposed to be high enough to pay the running expenses of the government. The "running expense" is the sum total finally agreed on as the result of the various trades, combinations and log-rollings. This applies both to state and county government. Nowhere in the system is there any limitation on the total public income, as there is with every individual and with every private corporation. There is no adjusting of the ends to the available means, as with every individual and private corporation. The whole system is run on the theory that there is no limit to the means.



The People's Power League proposes an amendment to the constitution to make the governor a member of the legislature; to require that he shall introduce all appropriation bills and that the legislature shall have no power to increase any such bill without the governor's consent entered on the journal; proposes to abolish the state senate and centralize all responsibility for the state appropriations and legislation on the house of representatives and the governor; to provide a four-year term for members of the legislature with annual sessions; to require that bills when introduced shall be placed on the calendar and be subject to action, if not sooner disposed of, up to the last day of the four-year term; to require that no bill, except an emergency measure, shall be put on its final passage until it has been printed and laid on the members' desks for five days in the form which it is to be passed or rejected.

In addition, it is proposed to elect the members of the legislature by a system of proportional representation, so that all the people shall be represented in the legislative assembly, instead of practically all the members being elected by a plurality of the voters. It is proposed also to provide for the use of the "first, second and other choices" method of electing the governor and other officers where only one is to be chosen at one election to fill the office. With this change it is proposed to introduce the cabinet form of state government, under which the governor will appoint his cabinet and other executive and peace officers on the plan of the American national government.

For the county government it is proposed to elect a board of directors of three or more, and to require that they shall hire a county business manager. The county business manager shall hire all the other county officers and hold the same position towards county business that a Prussian mayor holds towards the business of his city and the general manager of an American private corporation holds towards the business of his company. The county directors will receive no more salary than is sufficient to cover their expenses for necessary meetings. They will not be expected to do anything but lay out the general plans for the county business and see that their manager is efficient and faithful.

It is thought that the adoption of this plan will so centralize responsibility on the governor for the administration of the state government and for the maximum of appropriations, that we shall

begin to get efficiency and economy in the public business. In the legislature there will be responsible leadership, and responsibility as a general rule is accompanied by efficiency. It is believed that the legislature under this plan will be a deliberative as well as a representative body, and that there will be nothing like the nightmare of trying to pass intelligently on one thousand one hundred legislative measures in about forty working days of four or five hours each.

In the county, it is expected that the boards of directors will hire efficient county business managers just as the councils in Prussian cities hire efficient business managers for mayors. Under this plan it is expected that men will adopt the vocation of being county business managers as a life work, just as men adopt any other profession in private life, and thus we shall get the ablest and most efficient men for the public service.

The short ballot is necessarily a part of such a plan. It contemplates a four-year cycle of annual elections. At the first election the governor and members of the legislature, with the state auditor, would be the only officers elected by the people. At the next election the senators and representatives in congress and judges of the state courts would be the only officers to be elected.\* The third year the members of the county boards of directors would be the only officers to be elected. The fourth year the senators and representatives in congress and state judges. This completes the cycle and the next election begins again with the election of the governor and state auditor and members of the legislature.

It surely cannot be said that government by the people is fully successful until they actually receive a hundred cents' worth of public service for every dollar of public money expended. The people of Oregon are the supreme power now in the making of the laws and in the nomination, as well as in the election, of their public officers. Logically, the next step is to devise a plan of government that will give the highest possible efficiency in the public service.

## A THEORETICALLY PERFECT COUNTY

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BY RICHARD S. CHILDS,  
Secretary, The National Short Ballot Organization.

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One government being enough for most nations, why should it require ten governments to run a New York rural county?

An attempt was made in the office of The Short Ballot Organization last year to draw a diagram of the plan of county government in New York State. When completed, after a laborious examination of myriad statutes and amendments extending back over a long period of years, we had something that looked like a ball of yarn after the cat got through with it. The mass of statutes represented a long series of piecemeal efforts to compel cooperation among ten or more separately-elected officials. In effect, these laws required each official to be obliging to the other officials with whom he was supposed to cooperate. In many cases they were not laws so much as office rules solemnly enacted at Albany and with nobody to enforce them unless resort was made to the slow and elaborate processes of the court.

In part the county is the agent of the state; yet the state has only the weakest sort of negative control over the county and cannot compel it to be an efficient or loyal agent. The people of the county are able to repeal a state law by electing local officials pledged to ignore or soften the law. In practice popular resentment will direct itself at local officials who are enforcing the law rather than at the local members of the legislature who helped to pass it. When the issue in the election of sheriff is frankly whether the sheriff will enforce certain uncomfortable statutes, it is no wonder that the written law loses its capacity to strike terror, and cases are not unknown where there has actually been an official referendum as to whether a given state law should be locally enforced or not. A great deal of our American disrespect for the written law is based on this habit of frank local veto.

Popular resentment against a law ought to find no way to attack it save by attacking the men who have power to repeal it. The state which virtuously enacts a statute should be forced to face the



opposition to its enforcement. The state should do its work with its own agents, and the county government should be relieved from the burden of enforcing laws which it did not make and perhaps does not like. This would mean, obviously, that all the officers who enforce state laws should be appointed from the state capitol. Logically, it would seem, therefore, that the governor, whose constitutional duty it is to see that the laws are enforced, should have under his control the sheriffs, judges and district attorneys throughout the state. The district attorneys and sheriffs would be logically under the attorney-general of the state, as the federal district attorneys and marshals are under the attorney-general of the nation.

There was a time when the governor of New York State did appoint the sheriffs. The patronage was considerably abused, since each governor, in those days of the frank doctrine of "rotation in office," was apt to make a fairly clean sweep of the sheriffs and appoint new men for partisan reasons at the behest of local politicians. In making the sheriffs separately elective, the reformers of that day adopted the wrong remedy. It would have been better to work for civil service protection and to destroy the theory of "rotation in office." Certainly the device of putting the sheriffs on the ballot did not take the office out of politics!

As to the county attorneys or prosecutors, New Jersey has the plan of appointing them at the hands of the governor, and the swiftness of "Jersey justice" is probably due in no slight degree to that fact. There seems to be more excuse for electing the county attorney than for electing some of the other county officers, inasmuch as a picturesque fight often develops when a candidate for attorney expresses suspicion of corruption in other branches of government and promises to attack it. But the attack on corruption should not hang on the result of any election but should be made anyway, regardless of whether it is popular or not.

Indeed it is easy to find good reason for removing the county attorney as far as possible from politics. Election necessarily puts him under obligation to many individuals in the community and the temptation to favoritism is serious. A county treasurer must show his tell-tale vouchers and cash balance and if he is besought to repay private political debts out of the public treasury, can plead the likelihood of discovery as an excuse for scrupulousness; the shortcomings of other officers can be more or less accurately meas-

ured, but the attorney may easily and safely grant secret favors which never show on a balance sheet and never can be estimated or even guessed at by an outsider. The attorney ought to be free from all local pressures and there ought not to be a single citizen in the county whom he cannot consistently prosecute.

The coroner should become a medical subordinate in the attorney's office.

As county judges interpret state laws, the state should create them and pay for them. If they make themselves unpopular in their locality, it may be to their credit! The clerks and bailiff of the court should be appointed and controlled by the court they serve.

All this is merely saying that the states should adopt the federal judicial system entire. Thus the governor would appoint all the judges for long terms, and the attorney-general. The attorney-general would appoint the sheriffs and county attorneys and be responsible for their efficiency. I wish I could trust the doctrinaires to see that they have actually lived undisturbed under this system in the federal government, but they will not, and if the idea some day reaches the standing of a political issue, they will rail against it as an utter destruction of democratic government and an unheard-of concentration of power.

To the state also must go some of the county functions which can be better handled by concentration, such as care of the insane. Many of our county asylums are a disgrace to a modern nation and state sanitariums must be substituted. The county clerks could be improved, perhaps, by bringing them under the central supervision and appointment of the secretary of state, so that uniformity and expertness could be developed. The control of roads, too, is, in part, passing from county to state with much improvement in efficiency. The constant speeding-up of our means of communication is making our states steadily smaller, and changes of this sort are becoming easier as well as more desirable.

Having thus neatly cut off half the county and handed it over bodily to the state, we have left the county board of supervisors, the county treasurer, the county engineer or road commissioner, and others whose business is entirely concerned with local, as distinguished from state, affairs. In this field the county is, in effect, an alliance of cities and towns for the performance of certain work which can be done more economically in concert than separately.



Thus, in some cases, the county operates the high school, the constituent villages not being large enough each to maintain a high school of its own.

For such miscellaneous and purely local work there should be a unified organization in the county, very different from the present ramshackle of practically unrelated statutory officers. Administrative efficiency requires a single-headed executive organization and the chief executive should be expert, experienced and reasonably permanent. All that remains of the county should be put under the appointment of this "county manager". He should be appointed by, and under the continuous control of, the board of supervisors. He should not be necessarily chosen from among the local residents but hired from anywhere in the country as an expert, and in many cases he should also be himself the county engineer, or whatever officer may be the costliest expert required in the county government. The board of supervisors would then be purely the policy-determining body of this county with full power to levy the taxes needed and full power to hire an efficient county manager and get the desired results.

As to the supervisors there is difficulty involved in having them elective in any save small rural counties—the difficulty being the fact that the people in their infinite unspunkableness will ignore those uninteresting officers and will not play the part assigned to them of selecting the members. Hold a special election for board of supervisors and the people will not bother to come to the polls. Hitch the county ballot on the bottom of the state ticket at a state election and the people will come to the polls but their votes for members of the board of supervisors will be unconsidered and uninformed and easily steered by such simple devices as a mere party emblem or, if the election be non-partisan, by the published recommendation of a partisan committee. There is usually so little real politics in a county! The present controversies are not truly political, they are rather quarrels over plunder. The issues are only the matters of which men shall get the jobs and draw the salaries. Reorganize the county on sound lines with the salaried offices all in the hands of a permanent civil service and nothing to elect but unsalaried supervisors, and the politicians will find little left to attract them. As they have always been the only ones interested, their silence will leave a void. Such a situation would be dangerous; it



would leave the county too unguarded. And as we cannot change the people and have no business to try, we must ultimately take even the supervisors off the ballot, too. Let them be appointed from the various towns in the county by the town governments with voting power proportioned to the size of their respective constituencies. They might well be the mayors of the towns, serving *ex officio* as supervisors, as is proposed to-day in Alameda county, California.

Having thus handed the other half of the county over to the constituent towns, we have left, so far as politics is concerned, no county at all!

And there is your theoretically perfect county!

Was it not said in years gone by that there was no good Indian but a dead Indian?

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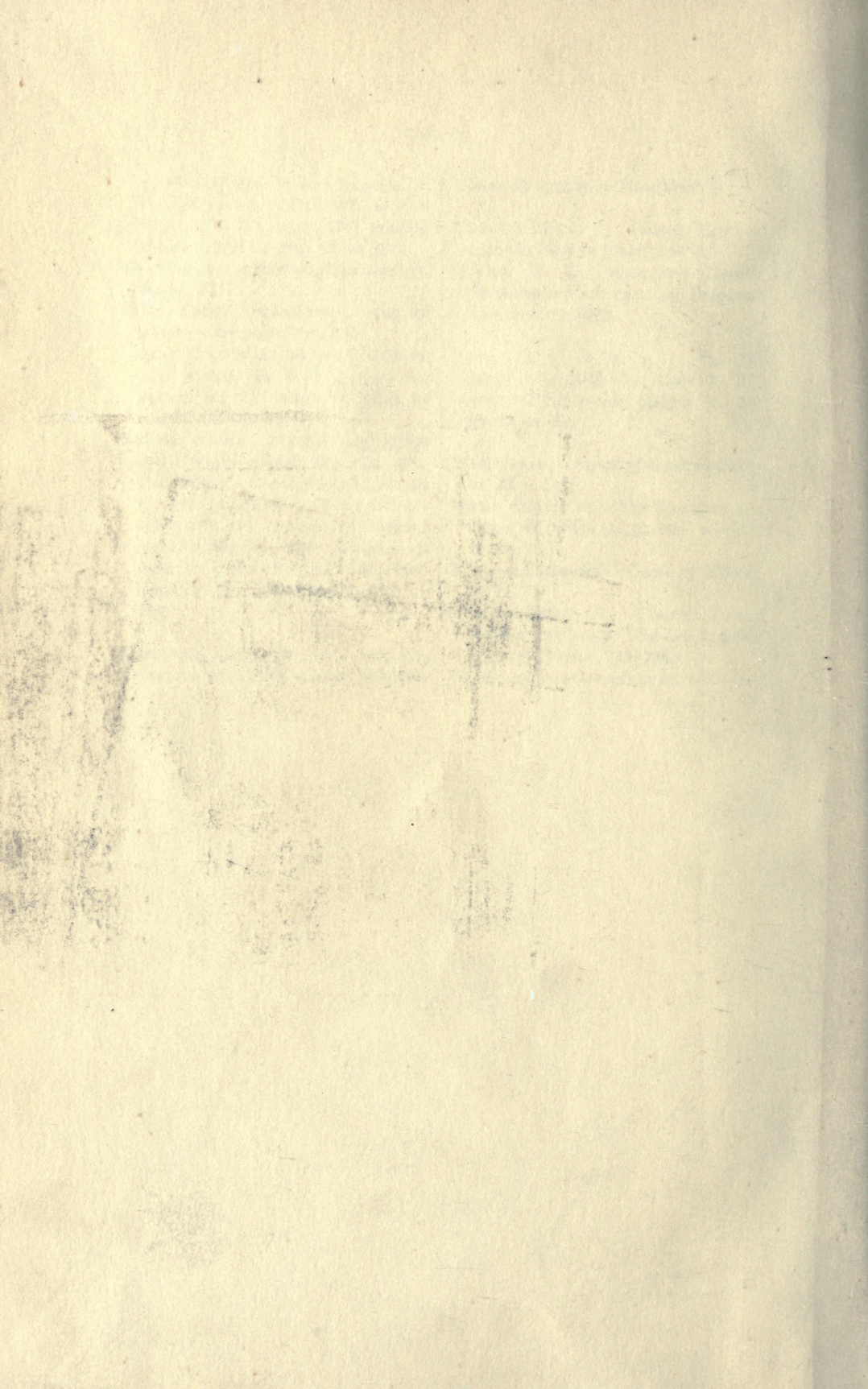
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